

1 STATE OF MICHIGAN

2
3 IN THE 12th DISTRICT COURT FOR THE COUNTY OF JACKSON
4
5 PEOPLE OF THE STATE OF MICHIGAN,

6
7 V File: 2003173FY
8 PETE MUSICO 2003172FY
9 JOSEPH MATTHEW MORRISON 2003171FY
10 PAUL EDWARD BELLAR
11 Defendant.

12 _____ /
13
14 PROBABLE CAUSE HEARING
15 VOL. 2
16 BEFORE THE HONORABLE MICHAEL J KLAEREN, DISTRICT JUDGE
17

18 Jackson, Michigan - Thursday March 4, 2021
19

20 APPEARANCES:

21 For the People: SUNITA DODDAMANI P 67459
22 Assistant Attorney General
23 3030 West Grand Blvd. STE10-200
24 Detroit MI 48202
25 (313) 456 0060
26
27 For the Defendant Musico: KAREEM JOHNSON P 71988
28 Attorney at Law
29 505 South Jackson Street
30 Jackson MI 49203
31 (517) 768 6842
32
33 For the Defendant Morrison: NICHOLAS SOMBERG P 80416
34 Attorney at Law
35 31700 Telegraph Rd STE 210
36 Bingham Farms, MI 48025
37 (248) 270 5979
38
39 For the Defendant Bellar: ANDREW P. KIRKPATRICK P 66842
40 Attorney at Law
41 503 South Jackson Street
42 Jackson MI 49203
43 (517) 783 3500
44
45 RECORDED BY: TERESA HEISLER CER 8466
46 TRANSCRIBED BY: SHELLIE R. SANDERS CER 7667
47 Certified Court Recorder
48 (517) 788-4260

TABLE OF CONTENTS

4	WITNESSES FOR THE PEOPLE	PAGE
5		
6	AGENT HENRIK IMPOLA	
7		
8	Cross examination by Mr. Kirkpatrick	P. 7
9	Cross examination by Mr. Somberg	P. 15
10	Cross examination by Mr. Johnson	P. 74
11	Redirect examination by Ms. Doddamani	P. 104
12	Re-Cross examination by Mr. Kirkpatrick	P. 174
13	Re- Cross examination by Mr. Somberg	P. 188
14	Re-Cross examination by Mr. Johnson	P. 203
15		
16		
17		
18		
19		
20		
21		
22		
23		
24	WITNESSES FOR THE DEFENSE	
25		
26	None	
27		
28	EXHIBITS:	ADMITTED
29		
30	DX Bellar 2	P. 4
31	DX Bellar 3	P. 11
32	DX Morrison 1	P. 52
33		
34		
35		
36		
37		
38		
39		

1 Jackson, MI

2 Thursday March 4, 2021 - 9:03 a.m.

3 THE COURT: Okay, I'm going to recall the case of
4 People verses Musico, Morrison, and Bellar.

5 MR. KIRKPATRICK: Bellar.

6 MR. BELLAR: Bellar.

7 MR. KIRKPATRICK: Bellar.

8 THE COURT: I commend you for not complaining okay,
9 you know we should have a phonetic sign up there, so we can
10 get it right, Bellar, okay. In any event I -- I know we have
11 a little bit of housekeeping, but I am going to ask, make
12 sure that everyone doesn't have any housekeeping issues
13 before we continue with the cross examination of the FBI
14 agent. I do know that Mr. Kirkpatrick was going to get us
15 the color photo, which was going to be Bellar 2.

16 MR. KIRKPATRICK: Two, yes, your Honor.

17 THE COURT: Mr. Kirkpatrick was not able to find a
18 color photograph, I'm not necessarily surprised with the I
19 believe tens of thousands of documents floating around.

20 MR. KIRKPATRICK: I looked judge; I just didn't
21 have time this morning to find it. I -- I -- I forgot which,
22 I've got five, four, I'm sorry three didn't gig drives, and I
23 tried to find it and I couldn't.

24 THE COURT: Okay, okay.

25 MR. KIRKPATRICK: So I know it exists because

1 obviously I've took it off from here.

2 THE COURT: Does the prosecution have any objection
3 if we utilize a black and white photo?

4 MS. DODDAMANI: I have no objection, judge.

5 THE COURT: And do either of the defendants have an
6 objection?

7 MR. KIRKPATRICK: May I approach, your Honor, with
8 it?

9 MR. JOHNSON: No, your Honor.

10 THE COURT: Okay.

11 MR. SOMBERG: No, your Honor.

12 THE COURT: Okay, yes. I will label it Bellar,
13 Bellar two, will be admitted. Is there anything further
14 housekeeping wise Mr. Kirkpatrick?

15 (At 9:05 a.m., Bellar 2 has been admitted)

16 MR. KIRKPATRICK: Just your Honor, as the Courts
17 aware, I concluded my cross examination yesterday afternoon,
18 last night I did, there was a couple of things that the agent
19 testified to that I looked into, and I would ask the Court to
20 allow me to continue with cross just for a few more
21 questions, I don't think that the attorney general has an
22 objection, I think it makes more sense for me to do it now
23 than to call him back as a rebuttal witness because I know
24 that the agent wants to move on once he is excused from the
25 Court. Otherwise, he's going to have to wait for this and I

1 think I'm entitled to the rebuttal based upon the testimony
2 yesterday.

3 THE COURT: Usually I give people multiple shots at
4 a witness if they want it. So, it doesn't make any
5 difference to me. Ultimately, you're going to be able to ask
6 whatever questions you want to ask of this witness. It makes
7 sense to do it now if it's fresh in your mind.

8 MS. DODDAMANI: We don't have an objection --

9 THE COURT: Do the People have any problems?

10 MS. DODDAMANI: -- for this.

11 THE COURT: And I'm assuming once again I don't mean
12 to lump all the defendants together, but do either of the
13 defendants have any objections?

14 MR. JOHNSON: No, your Honor.

15 MR. SOMBERG: No objections, your Honor.

16 THE COURT: And do the People have any additional
17 housekeeping that needs to be done?

18 MR. TOWNSEND: Your Honor, I just want to indicate
19 to the Court, and also to counsel that our second witness Dan
20 I told him to be here, he will be here at ten o'clock. I
21 just don't want him to have to come up earlier and just wait
22 because we knew that there was going to be cross-examination
23 and redirect.

24 THE COURT: Yes. Okay.

25 MR. SOMBERG: And your Honor, as a matter of

1 housekeeping and I don't know if we are going to finish or
2 tomorrow, but I did want to readdress the matter of bond on
3 Mr. Morrison.

4 THE COURT: Let's --

5 MR. SOMBERG: If -- if assuming the case gets bound
6 over, I would like to address the matter of bond.

7 THE COURT: If the case gets bound over, I
8 anticipated that motion because he's obviously still
9 incarcerated.

10 MR. SOMBERG: Thank you, your Honor.

11 THE COURT: So we'll -- we can address if -- if it's
12 bound over I'd be more than happy to readdress that issue
13 tomorrow. Okay and the Musico team anything housekeeping?

14 MR. JOHNSON: No, your Honor.

15 THE COURT: Okay. Okay, I guess where's our
16 witness.

17 MS. DODDAMANI: He can step inside, thank you.

18 THE COURT: You still have a voice?

19 THE WITNESS: A little bit.

20 THE COURT: Okay.

21 THE WITNESS: Throats a little tender.

22 THE COURT: Okay. You continue to be under oath.
23 You're now going to be cross-examined by Mr. Nicholas
24 Somberg, who is representing Mr. Morrison.

25 MR. KIRKPATRICK: Your Honor, I believe that the

1 Court was allowing me --

2 THE COURT: Oh wait, wait I forgot, Mr. Kirkpatrick
3 had a couple of clean up questions and he's representing Mr.
4 Bellar. Go ahead.

5 CROSS-EXAMINATION

6 BY MR. KIRKPATRICK:

7 Q. Agent Impola, am I saying that right or Impala?

8 A. You got that right, thank you, Impala.

9 Q. Okay, I want to go back to just two issues yesterday that
10 that -- that you had testified to two specific instances the
11 first one was regarding was when I had asked you if you had
12 received information that Mr. Bellar had left the Watchman,
13 do you recall me asking that question?

14 A. I do.

15 Q. And asked if you had any knowledge regarding a disagreement
16 or of some kind of issue that he had with any of the other
17 members of the Watchman Group around Jul -- June -- June
18 twenty ninth, 2020, do you recall that question?

19 A. I do.

20 Q. And I bel -- and correct me if I'm wrong, I'm not trying to
21 put words in your mouth, I believe that you said that you
22 were not aware there being a riff in the watchman between Mr.
23 Bellar and the Watchman group, do you recall that?

24 A. I do, and I was aware, I was aware. I was aware of a riff
25 between Mr. Bellar and Mr. Morrison.

1 Q. Okay. In fact there was a report that was generated with
2 yourself and agent Chambers and the confidential human source
3 where you were specifically on June 29th, this would be on the
4 day after the first training that Adam Fox attended in
5 Munith, correct?

6 A. That's correct.

7 Q. And that would have been the first training that Adam Fox
8 attended with Mr. Bellar present, correct?

9 A. That's correct.

10 Q. And so this conversation that you had with the members of the
11 Watchman Club was the following day from that training
12 session, correct?

13 A. That's correct.

14 Q. And your confidential human source advised you that Mr.
15 Bellar had a problem, that it revolved around him bringing
16 his girlfriend to the training, and that he was leaving the
17 Wolverine Watchman Club to start his own group. Do you
18 recall that?

19 A. Yes.

20 Q. Is that a fair recitation of what happened?

21 A. It is.

22 Q. So as of June 29th he was leaving the Wolverine Watchman,
23 correct?

24 A. No, that's not correct.

25 Q. Okay, but -- that's not correct that he wasn't?

1 A. It's not correct that he was leaving the Watchman.

2 Q. But this is what your informant told you, correct?

3 A. What you stated on that day is a fact.

4 Q. Correct.

5 A. But the fact that he was leaving the Watchman is not correct.

6 Q. So he continued on with the Watchman after that date?

7 A. Absolutely.

8 Q. With the Watchman specifically?

9 A. Yes.

10 Q. And that's your testimony?

11 A. Absolutely.

12 Q. Okay. The other thing that we talked about yesterday I had
13 asked you if you were made aware of a time when members of
14 the Watchman club had claimed that Mr. Bellar was a fed or an
15 informant or something along those lines, do you recall me
16 asking you that?

17 A. I do.

18 Q. And your testimony was that you were not aware of anyone in
19 the Watchman club claiming that Mr. Bellar was in fact an
20 informant or a fed. Do you recall that testimony?

21 A. I do.

22 Q. Is that still your testimony today?

23 A. It is.

24 MR. KIRKPATRICK: May I approach, your Honor?

25 THE COURT: Yes.

1 BY MR. KIRKPATRICK:

2 Q. Agent what I'm showing you is what's marked as defendants
3 proposed exhibit Bellar 3. Can you take a minute, look at
4 that, and see if you recognize that exhibit?

5 A. Sure can you give me a sec here?

6 Q. Did you have an opportunity to review that document?

7 A. I have.

8 Q. Is this a document that you were involved in investigating?

9 A. I was.

10 Q. Is this a private conversation with Pete Musico and the
11 confidential human source that you actually reviewed much as
12 you did the other conversation that you've read in open
13 court, and have become exhibits?

14 A. I did.

15 Q. Does it appear to be an accurate recitation of that
16 conversation?

17 A. Yes.

18 MR. KIRKPATRICK: Your Honor, I'd move for admission
19 of Bellar exhibit 3, or proposed exhibit 3?

20 THE COURT: People?

21 MS. DODDAMANI: No objection.

22 THE COURT: Mr. Somberg?

23 MR. SOMBERG: No objection, your Honor.

24 THE COURT: Mr. Johnson?

25 MR. JOHNSON: No objection, your Honor.

1 THE COURT: Admitted.

2 MR. KIRKPATRICK: Thank you.

3 (At 9:15 a.m., DX Bellar 3 admitted)

4 BY MR. KIRKPATRICK:

5 Q. Agent Impola, if you would please I would again I apologize
6 for asking you to do this, but we've been doing this all
7 along. I would ask that you read this thread, this Facebook
8 messenger thread regarding this conversation between the con
9 -- the confidential human source and Pete Musico.

10 A. Sure. Fair warning it's a long document, seven pages, so --

11 Q. I understand.

12 A. -- I will go through it. So this is a source report from --
13 which was authored on September 9, 2020. It starts -- it's a
14 source report of a Facebook messenger conversation between
15 Pete Musico and our source Dan. So on September 5, 2020 Pete
16 Musico account -- accused CHS and Paul Bellar of being a fed
17 and informant and respectively, so that's the title. Pete
18 Musico started by sending a YouTube link, and the link was to
19 a YouTube video entitled Brian Ross Investigates what you
20 need to know about the Boogaloo Movement, which contains
21 multiple images of the Wolverine Watchman, I'm on page two
22 now, including Joe Morrison and Pete Musico. The CHS said
23 was that Joe in a pic, Musico relied, a bunch. I contacted
24 that guy, I want interview within face-to-face. CHS replied,
25 when is that. Pete Musico replied, I don't know, I left a

1 message with him today as holiday weekend so I'm expecting a
2 call back maybe Tuesday. Do you realize what those two boys
3 did us? CHS replied, what two, I only got a few minutes into
4 video, been crazy busy with work. Moving on to page three.
5 Pete Musico replied those two idiots, I thought they were
6 making a deal with the Hamas, but they weren't. They were
7 making a deal with two federal agents. I have a question,
8 who brought you into the watchman, in to watchman. CHS
9 replied with ??. Like on wire, or the old page, wire has
10 Paul, the page I just joined. Pete Musico replied who was
11 that invited you to the page it was closed group. Whatever
12 came of the whole fed thing with Paul? CHS replied it was as
13 a suggestion, had answer like three questions. I don't Paul
14 dropped off completely, what's up? Pete Musico replied its
15 funny, your name came up as a fed, and Paul as the informant,
16 that's why he moved, LOL. Well that's, I'm sorry, I'm on
17 page four of seven now. And this is the CHS who replied, well
18 that's news to me. Pete Musico posts a picture from CHS's
19 Facebook page. CHS, he said that he was going to his dads a
20 few months back and then got evicted. Yeah, it's my account
21 for family; I told ya'll a few months back when shit was
22 getting up was making a burner. Look what's been going on --
23 look what's been going on with the pages. Pete Musico
24 replied, LOL I know I thought it was funny. CHS replied, I
25 don't' get Paul word is he left a lot of shit up here when he

1 took off. I sure, as shit ain't no fed. Pete Musico replied
2 I love you brother, there's a big FBI and Intelligence dump
3 coming from the community where the hackers have been hacking
4 and doing all the good things. I'm just really hoping your
5 name really isn't on that list. I hope Paul's name isn't
6 either. Cuz this list all-going to Intel agents and
7 informants, personal addresses, phone numbers, family members
8 and everything. CHS posts picture of himself in a vehicle
9 holding a piece of paper with the words hi Pete, LOL real
10 time. When you get it I'll come over and look with ya, Pete
11 Musico posted a picture of himself holding a phone. It's
12 going on line to all the groups on Facebook, Keybase, Mewe.
13 CHS replied, what's that? Pete Musico relied Joe's phone.
14 CHS replied, I'm sorry I'm page five of seven now. ? on
15 line, the Intel dump? Now I'm on page six. Pete Musico
16 replied yep, and posted a screenshot of a conversation with
17 Facebook user Phils Eibar, I called out one. CHS I've seen
18 him before, I think it's Beaker. I'm sorry I've seen him
19 before, I think Beaker. Pete Musico replied LOL. CHS
20 replied posted on him selling guns, I think. Pete Musico
21 replied yeah, I did a background check on that guy, and he's
22 a federal agent who works with the ATF. CHS replied well
23 look me up. Musico, I'm sorry I'm on page seven of seven
24 now. This is a synopsis then here. This is we're no longer
25 in the --

1 Q. Right.

2 A. -- Facebook messenger.

3 Q. So would this be a synopsis that you wrote?

4 A. This was my partner Jason Chambers.

5 Q. Okay. So one of either you or partner wrote that? And you

6 would agree with me this -- this synopsis reads Musico then

7 video called the CHS multiple times, Musico again posited,

8 I'm -- I'm assuming that positioned the theory that CHS was

9 "Fed" and Paul Bellar was the Fed "informant". You -- and

10 then he also talked about other individuals. So on September

11 5 of 2020 it's clear from this that members of the Watchman

12 think that Mr. Bellar may be some kind of informant, correct?

13 A. No, that's not correct.

14 Q. That's not correct?

15 A. When you say members of the Watchman, this is an individual

16 conversation with Pete, so it's Pete's opinion.

17 Q. Who's one of the leaders of the Watchman, correct?

18 A. Singular, yes.

19 Q. And you testified yesterday that Pete is one of the

20 commanders of the Watchman, correct?

21 A. I did.

22 Q. And this is commander of the Watchman on September 5 claiming

23 that Mr. Bellar is a Fed or an informant, correct?

24 A. That's correct.

25 Q. And your confidential human source specifically told the

leader of the Watchman on September 5, and let me quote it, "I don't Paul dropped off completely" correct?

A. That's correct.

4 Q. And this is a month and a half, well a month and a week after
5 Mr. Bellar had left the state completely, correct?

6 A. Ah --

7 Q. He left July 27th or thereabout and this is September 5th?

8 | A. Correct.

9 Q. And September 5th, your own informant is telling the leader
10 of the Watchman that Blell (sic) -- Bellar fell off
11 completely, correct?

12 A. That's correct.

13 MR. KIRKPATRICK: I have no further questions.

14 THE COURT: Okay, Mr. Somberg go ahead.

15 THE COURT: Can I have that?

16 || THE WITNESS: Oh, yeah.

17 THE COURT: I will lose them if I don't get them
18 right away.

CROSS-EXAMINATION

20 BY MR. SOMBERG:

21 Q. Okay. Mr. Impola I want to get back into your --

22 MS. DODDAMANI: I'm sorry, agent.

23 MR. SOMBERG: Agent, what did I say?

24 MS. DODDAMANI: Mister,

25 MR. SOMBER: Mister, Special Agent Impola.

1 MS. DODDAMANI: I just want to make sure.

2 MR. SOMBERG: Sorry about that.

3 MS. DODDAMANI: Thank you.

4 THE WITNESS: Thank you.

5 BY MR. SOMBERG:

6 Q. I just want to get back in and just kind of revisit your
7 training in counter terrorism and domestic terrorism?

8 A. Sure.

9 Q. Now you've been in the FBI for eleven years?

10 A. That's correct.

11 Q. But you didn't -- where did you start in the FBI?

12 A. I started my first three and a half, four years in the
13 Detroit field office, and then I transferred to Flint mid two
14 thousand and thirteen, so I've been working in the Flint
15 Resident Agency since then.

16 Q. And have you always been investigating terrorism cases?

17 A. Yes.

18 Q. For all -- for all eleven years?

19 A. That's correct.

20 Q. You testified that Dan had approached the FBI, is that
21 correct?

22 A. Yeah, to be more specific he approached a local police
23 department in our area who had a task force officer on a
24 violent crimes task force who then put us in contact with
25 him. But so he didn't walk into the FBI office, he initially

1 walked in the local police department.

2 Q. And when he -- and then I assumed then he was assigned to --
3 to you specifically and your partner?

4 A. Yeah, so we went out and we opened him and then he was
5 assigned to us.

6 Q. When he -- when -- when you first met Dan he was already in
7 Wire and the Facebook group?

8 A. That's correct.

9 Q. But he went and joined this on -- on his own?

10 A. Correct, he had done that on -- on his own.

11 Q. Okay. So, he would be a part of the Wolverine Watchman at
12 that -- that point?

13 A. Correct, he was already a part of the Wolverine Watchman when
14 I met him.

15 Q. Okay. And you said that he -- you said that Dan had to sell
16 his house and leave?

17 A. That's correct.

18 Q. And that was because you said that he was being threatened?

19 A. That's correct.

20 Q. Was that after the raid in October?

21 A. That's correct.

22 Q. Okay. So there was some people who -- who found out who --
23 who he was?

24 A. That's correct.

25 Q. Did they find out before or after the raid?

1 A. Well they definitely found out after. As we just read from
2 this exhibit, there's people that had posited suspicions
3 throughout the case of who informants might be. But he -- my
4 concern and everything I was testifying about was after the
5 raid.

6 Q. And you said you gave him six thousand in reimbursement and
7 twenty four thousand in payment, correct?

8 A. That's prior to the take down.

9 Q. So after the take down did he receive additional money or
10 assistance?

11 A. So he received approximately twenty four thousand dollars in
12 reimbursement for witness relocation following the take down.

13 Q. Okay, on top of the twenty four thousand payment?

14 A. That's correct.

15 Q. And on top of the six thousand?

16 A. That's correct.

17 Q. Okay. Is there any other, did he receive any other assets
18 like a car?

19 A. I mean all the other assets are included in the
20 reimbursement, so there's a you know there's a computer, a
21 phone, communication devices and accessories that go with
22 that, that were included in the six thousand dollar
23 reimbursement that -- that was accounted for.

24 Q. Okay. So that's a total, yesterday I had thirty thousand,
25 but it's more like fifty four thousand, in total

1 compensation?

2 A. That's correct; fifty four thousand is what I had as my total

3 payment.

4 Q. Okay. And you testified yesterday he -- you -- he -- he was

5 instructed, well let me back up. Well yeah, I'll ask the

6 question. He was instructed that he's not allowed to do

7 anything illegal, correct?

8 A. Correct.

9 Q. Okay. Wouldn't you agree none of us are allowed to do

10 anything illegal though, right?

11 A. Well I have the ability to obtain otherwise illegal authority

12 and then actually provide him authorization to do any illegal

13 act without being charged. And that's something that we

14 didn't do in this case. So that's something that's I think

15 is outside the scope of what everybody else has the ability

16 to do.

17 Q. So your -- your allowed to do illegal things?

18 A. You could be I could have that authorized through the US

19 Attorney's office in rare circumstances.

20 Q. Okay. And you're also allowed to -- to lie?

21 A. Are you talking about me?

22 Q. Yes.

23 A. I am allowed to lie, yes.

24 Q. And you also trained Dan that he is also allowed to lie and

25 engage in deception?

1 A. Well I didn't train him to lie, but he is allowed to engage
2 in deception.

3 Q. But you -- you did train him, correct?

4 A. No, I didn't train him.

5 Q. Does he have any prior FBI training or --

6 A. No.

7 Q. Okay. Do you know how Dan knew how to be confidential
8 informant?

9 A. Well I knew his; you know I assessed his skill set that he
10 already had as a civilian, and that was one of the things
11 that I looked for when I signed him up. And I knew his
12 background from the military and what kind of person he was.

13 Q. And you would -- he would report to you daily?

14 A. I mean multiple times a week I'm sure it's -- it's based on
15 the -- the pace of the investigation, so sometimes it's
16 multiple times a day, and then it's based on the pace of what
17 was going on in the investigation. But yeah, multiple times
18 a week on average I would say at some weeks it was daily.

19 Q. And your -- so your in charge of the plan where if you told
20 Dan he's done, he's done, correct?

21 A. That's correct.

22 Q. And you -- you're in charge of the -- of the direction of the
23 investigation, so you -- you tell them what -- what to ask,
24 what information to find out, those types of things?

25 A. Yes.

1 Q. Do you give him -- thank you. Do you give them direction as
2 to who to make contact with outside of the Wolverine Watchman
3 group?

4 A. Like during investigation or in his everyday life are you
5 talking?

6 Q. For the purpose of the investigation.

7 A. Yes.

8 Q. You -- did you direct him to reach out to Adam Fox?

9 A. No.

10 Q. I'll get back -- I wanted to go back to the beginning of your
11 testimony where you described the Wolverine Watchman as a
12 organization designed for political violence, correct?

13 A. That's correct.

14 Q. And you began your investigation about March 17th 2020?

15 A. That's when we met Dan, and then it took us a little bit to
16 go through all the paperwork required to get an investigation
17 opened. So it was officially opened shortly thereafter,
18 early April.

19 Q. And at -- at that time the Wolverine Watchman was just a
20 Facebook page, right? Or a group?

21 A. No, that's correct.

22 Q. Well they -- they also trained, correct?

23 A. They did -- they did train, and they had a Facebook page.

24 Q. And they -- they trained at Joe Morrison's property?

25 A. Well up until that time we were aware that they had done

1 seven trainings, and I knew they traveled to Tennessee, but I
2 -- I wasn't -- I don't have any details of where they trained
3 and how they did it since we weren't involved at that point.

4 Q. And there was nothing illegal about their trainings at that
5 time?

6 A. Well I didn't have any information on their trainings so I --
7 I can't say what happened.

8 Q. Okay. But you launched an invest -- you launched an
9 investigation even though you didn't have any information on
10 the trainings?

11 A. That's correct.

12 Q. What -- what -- I guess what was -- you're allowed to create
13 Facebook groups, correct?

14 A. That's correct.

15 Q. You're allowed to establish a militia and train in firearms?

16 A. That's correct.

17 Q. So you -- you -- you read into People exhibit seven about the
18 description of the group, it says that the Watchman is a
19 group of patriots who network and assemble and recruit
20 likeminded individuals, correct?

21 A. That's correct.

22 Q. And that -- that's not illegal, is it?

23 A. No.

24 Q. Yeah. Develop regional QRF's and squad tactics that is not
25 illegal either?

1 A. No.

2 Q. Okay. And the rest, they -- your also -- when you create any

3 group I mean your allowed to exclude others from any private

4 organization, right?

5 A. That's correct.

6 Q. So you can say no, no police allowed, no you know no

7 republicans, no democrats allowed, if your -- you're the

8 opposite, your allowed to say those types of things?

9 A. Sure, when you're the leader of the group you have complete

10 discretion over who your group members are.

11 Q. So when you began your investigation, they -- nothing --

12 nothing illegal had even happened?

13 A. That's not correct.

14 Q. Okay. What -- what -- what happened or what -- what illegal

15 actions were taken in the beginning of your investigation in

16 April of 2020?

17 A. One of the first things we learned from Pete was that in the

18 past he had tracked down an MSP law officer's personal

19 residence and threw a Molotov cocktail through the window and

20 stood outside to shoot the officer. So that pretty much day

21 one of the investigation.

22 Q. Okay. And you learned that that actually happened?

23 A. I don't know that that happened I couldn't find reports of

24 that.

25 Q. Right. And you would agree guys kind of talk -- talk crap

1 with their friends, with the boys?

2 A. They can. It's not the type of talk that I -- that I talk in
3 the locker room.

4 Q. Sure, but maybe a - I agree, but you -- you -- you say you
5 said you looked and there was not even a police report,
6 correct?

7 A. Well I didn't have a name of he officer, so I didn't -- I
8 couldn't find or query databases, and I didn't know which
9 database to query because I wasn't sure if it was an MSP
10 officer he didn't provide the description of how he was able
11 to obtain the officers home, or who it was or even what --
12 what state it was in. I assumed based on the context of the
13 conversation that it was a trooper.

14 Q. Okay.

15 A. And that it was in Michigan, and I couldn't find it.

16 Q. And you said that Pete -- Pete did this for being issued a
17 traffic ticket?

18 A. He said that he was pulled over I don't know if a ticket was
19 issued or not.

20 Q. Okay. But you know throwing a Molotov cocktail is pretty --
21 pretty serious crime, correct?

22 A. Yeah, it was an alarming statement.

23 Q. Okay. But the -- you're saying you did your due diligence
24 and couldn't find even a police report on this?

25 A. Correct.

1 Q. And you know where Pete lives, you know the areas he hangs
2 out in, drives around in, correct?

3 A. Correct.

4 Q. You knew -- you knew where he worked?

5 A. That's correct.

6 Q. Okay. At -- so in the beginning of your investigation it was
7 -- it was that statement, which you looked into, really
8 wasn't corroborated and is that, that's it?

9 A. No.

10 Q. Okay, what else?

11 A. Well Pete had told members of the Watchman to download OnX
12 hunting app, so that you could research law enforcement names
13 in the area that you live, so that at that time he was
14 talking about doing what he called no knock raids in
15 retaliation for duckenlemp. So that was actually the more
16 pressing concern, is some of the future violence he -- he was
17 talking about doing, which he had not yet committed.

18 Q. Okay. And downloading this app I think it called OnX is not
19 an illegal app to have on your phone?

20 A. Correct. You could have, anybody could have that app.

21 Q. Okay. Pete was not a -- at this time not a leader of the
22 Wolverine Watchman?

23 A. No, he was a leader.

24 Q. At this time it was just Morrison and Bellar were the admins
25 of the Facebook page though, right?

1 A. That's correct.

2 Q. And since there are multiple admins on a Facebook page if the
3 page were to post something you don't know who -- which admin
4 posted it, correct?

5 A. No, you would see who posted on the wall there's a public
6 wall, I mean you could and maybe to the spirit of your
7 question more is if posted like the mission statement or the
8 picture I wouldn't know which admin did that. But if you
9 post on the -- on the wall group members who are in that
10 closed group could then see who posted that. It's my
11 understanding.

12 Q. Okay. QRF, I'd like to talk about that for a little bit. It
13 stands for quick response force, correct?

14 A. Yeah, or quick reaction force.

15 Q. Quick reaction force, those are not illegal to have or to
16 organize?

17 A. That's correct.

18 Q. And it needs to really be heard for anything, natural
19 disasters, civil unrest, those types of things?

20 A. Well -- in a different hypothetical situation they could be
21 anything. In this case, they are for killing law
22 enforcement.

23 Q. Well my client Joe Morrison never -- never called a QRF his
24 assistance?

25 A. Well he created a group with the mission statement create

1 QRF's which were created.

2 Q. Okay.

3 A. By leadership under him.

4 Q. The -- the -- a Facebook on line group was created, correct?

5 A. An in real life group was created.

6 Q. But --

7 A. And a Facebook group was created.

8 Q. This group, a -- a QRF, Joe Morrison never called for the QRF
9 to form to actually go to newsef (sic) for any purpose?

10 A. Joe Morrison gave direction for Paul Bellar to create
11 regional QRF's and split up the watchman on the east and west
12 side of the state, and then Paul Bellar did that and then
13 deployed the QRF under Joes direction.

14 Q. Joe directed Paul to deploy the QRF?

15 A. Joe told Paul to create the QRF's and deploy them as needed.

16 Q. Okay.

17 A. Paul would talk to Joe when a QRF was deployed, and Joe was
18 aware of it.

19 Q. But yesterday you testified that Joe never deployed one
20 himself?

21 A. So Joe never, no, that excuse me you're correct, Joe himself
22 didn't call out and say go here and Joe didn't attend as an
23 operator to any particular QRF.

24 Q. Okay. Wire, the application Wire that's not illegal to have
25 on your phone?

1 A. That's correct.

2 Q. You understand, would you agree that online privacy is very

3 important especially nowadays?

4 A. Yeah, I think that's a fair statement.

5 Q. Would -- would you agree there's a public -- public demand

6 for privacy and figuring out where our information is sold

7 and used?

8 A. Yes, I think that's fair.

9 Q. Wire may be used for well you know Wire -- Wire may be used

10 to communicate business information, maybe communicate

11 pictures or something to your significant other you don't

12 want to get out there?

13 A. Yeah, it could be used for many non-criminal purposes.

14 Q. And I want to talk a little bit about operational security

15 OPSEC. I mean that -- that's just a good idea for any person

16 to -- to practice would you agree?

17 A. I guess in what context?

18 Q. Sure, so I mean if I'm going on vacation for two weeks out of

19 the country I'm not going to post that on Facebook, or

20 posting on Facebook your going or posting while you're there,

21 would you agree is pretty bad operational security?

22 A. I think it's a bad idea just to post on Facebook in general,

23 but yeah.

24 Q. Maybe.

25 A. But don't -- definitely don't tell people where you're going.

1 Q. So people you know wanting to engage in training and -- and
2 operational security is not an illegal thing do or terrorist
3 thing to do?

4 A. No, it just speaks to their intent, the criminal intent in
5 the case.

6 Q. I want to ask you about the word Boogalo. When did you first
7 hear that word?

8 A. It became popular right around March either shortly before I
9 met with Dan and started the investigation or shortly after.
10 It was something that I had heard in the past, but it was
11 kind of involving as meme, so initially is was not quite as
12 concerning until it started to go viral more.

13 Q. Okay. And this is something to you, you've been involved
14 with Counter Terrorism for eleven years, ten, eight ten years
15 ago this was not even a word used in your investigations?

16 A. Correct. I -- I wasn't familiar with this word when I
17 started.

18 Q. And for the -- for the Court and for my knowledge what - what
19 is a meme, what does that, what does that mean?

20 A. I guess a meme in my mind is a generally a photograph with
21 captions on it, where some words are added to the photograph.
22 It's kind of like today's cartoons, or political satire often
23 times it's basically used to poke fun or make points.

24 Q. Yeah, would you agree that Boogaloo is kind of a -- kind of a
25 silly word?

1 A. It is.

2 Q. Would you agree it's kind of used in satire quite a bit?

3 A. Well that's how it started.

4 Q. Okay. And Bloog -- Boogaloo your testimony it's and correct

5 me if I'm wrong it's basically coming civil war?

6 A. Yes, I think that's fair.

7 Q. And that really -- but really though it's a word that -- it's

8 a word that means different things to different people?

9 A. Well I think that all words can mean different things to

10 different people.

11 Q. But -- but there's a limit I mean Boogaloo can mean

12 protecting your family against unrest?

13 A. I guess the two variations of the word Boogaloo that I'm

14 familiar with would be, number one a Latin funk dance, and

15 number two a civil war. What civil was is -- is certainly up

16 to anybody's interpretation, but it's just the concept that

17 it's a impending civil war is pretty clear.

18 Q. Okay. And you're allowed to prepare and train for a

19 potential war, or civil war?

20 A. Well you're not allowed to do that if your training inplant -

21 - involves planning to kill law enforcement or kill

22 politicians,

23 Q. Okay. And when Dan entered the group, well Joe -- I guess

24 Joe Morrison never planned to kill any politicians?

25 A. That's not what he said.

1 Q. And when did he say he was going to kill politicians?

2 A. Well he said it numerous times; he told his group he wants
3 Governor Whitmer's head on a platter.

4 Q. Okay. And that -- that could be satire as well?

5 A. I guess I don't -- I don't think that's funny.

6 Q. I mean me neither but I feel like I've had -- haven't you
7 heard similar things about President Trump on -- on late
8 night TV?

9 A. There's a lot of mean and nasty things that have been said
10 about politicians.

11 Q. Right. So you're allowed to be -- you're allowed -- it's
12 legal to be -- you allowed to be mean, you're allowed to be
13 nasty, correct?

14 A. That's correct.

15 Q. Okay. But Joe Morrison never said that he was ever going to
16 kill any politician, correct?

17 A. I think the most specific thing he said was when he said he
18 was - he said one, two, three, four, I'm going through
19 Governor Whitmer's door.

20 Q. Okay. I mean it sounds like a poem to me, would you agree?

21 A. Well at the end of the day when he put together that didn't
22 in fact plan to go through her door it I think takes on a
23 little more context.

24 Q. Okay. On speaking of going through doors, the Wolverine
25 Watchman never -- had never trained to breach through any

1 sort of door until your confidential informant trained them
2 to do that, correct?

3 A. Well I don't know what happened in the trainings before our
4 confidential informant was there, so I can't say if that's a
5 fact.

6 Q. When your -- the -- the first training your confidential
7 informant went to though there was not kill houses, how --
8 kill houses set up, correct?

9 A. There was no kill houses on the first training, that's
10 correct.

11 Q. And when your -- when your confidential -- when your CHS got
12 involved I mean the members of the Wolverine Watchman were
13 basically just shooting at paper targets on Joe Morrison's
14 land, correct?

15 A. I believe I'm thinking back here to the first training that
16 Dan went to which was March 22nd, and I believe they asked Dan
17 at about breeching doors, I don't know if they breeched doors
18 at that training or the next training. But as soon as he was
19 into the group, they quickly got into breeching doors.

20 Q. Okay. That -- that's also something using a defensive, in a
21 defensive way?

22 A. Not to my knowledge.

23 Q. Maybe you came home and your door was kicked off the hinges
24 open, I mean you would want to be able to clear your own
25 house, correct?

1 A. I guess you can come up with hypotheticals where you might be
2 able to defensively get into your house.

3 Q. If -- maybe you live in a crazy world, another country could
4 invade us?

5 A. Sure.

6 Q. We had a - you know I was -- I was very young but you know we
7 like a nation half of -- the whole east coast lost power and
8 that's - that's another thing I could add, you would need to
9 maybe defend yourself, right?

10 A. There's many things you can come up with on a what if
11 scenario.

12 Q. Right.

13 A. You could have to defend yourself.

14 Q. And so there's many things that you could be training to move
15 through a house for?

16 A. Well in my training and experience preppers and militias are
17 typically not training to breech the envelope of buildings as
18 a team.

19 Q. Okay. What - what do you mean?

20 A. I think they'll work with weapons manipulation, and tactics
21 and moving under fire, but using squad tactics to breech the
22 envelope of a building isn't as a team I mean that's an
23 attack. You know if you approached and went through the door
24 of your own house that would be a different technique because
25 you would be there by yourself. But if you were entering

1 your own house with a team well I mean that's not a
2 reasonable scenario.

3 Q. Sure.

4 A. The only time you'd enter a building with a team is if you're
5 attacking it.

6 Q. Okay. Like what if you we were rescuing somebody?

7 A. Well you're not authorized to do that, that's against the law
8 as a militia.

9 Q. Okay. But if there's a -- if there's a war, just saying
10 there's no other reason, so showing that there -- there could
11 be another reason to train to do that, correct?

12 A. As I said I think there's some hypothetical things that you
13 can come up with, but in my training that's not something
14 militias and those who aren't -- who are prepping in the
15 typical sense would do.

16 Q. And Joe Morrison never led any of these house-breeching
17 scenarios, correct?

18 A. That's correct.

19 Q. And if I'm clear, you knew that your CHS was leading these
20 trainings, the tactical parts of it?

21 A. Yeah, I specifically instructed our CHS to keep the Wolverine
22 Watchman safe during these trainings, and to take a role so
23 that they didn't hurt themselves.

24 Q. Keeping them safe by teaching them how to breech buildings?

25 A. No to make sure that as they did their training to maintain a

1 general role on the firearm range, and with weapons handling
2 so that as Paul Bellar created the training schedule and as
3 they moved forward they didn't -- they didn't hurt
4 themselves. My concern is law enforcement response while
5 they're armed during a training session. So we wanted to
6 mitigate any potential conflicts.

7 Q. Okay. And speaking of law enforcement yesterday you
8 testified when asked had or were there threats to law
9 enforcement, you kind of went down the list, and you said Joe
10 Morrison, did not, there were no threats by Joe Morrison to
11 law enforcement, correct?

12 A. I guess what kind of threats are you referring to?

13 Q. A true threat.

14 A. Well there was definitely a true threat by Joe Morrison to
15 law enforcement.

16 Q. Okay. Direct -- directly?

17 A. Like are you - are you asking me to provide a quote for like
18 a terroristic threat that he made on line, or are you asking
19 me about the actual threat assessment I had on Joe as a
20 person?

21 Q. I'm saying that you testified yesterday that Joe was the face
22 of the Wolverine Watchman, led the group op sec, maintained
23 group chats and direction. And that by him there were no
24 threats made to law enforcement? That was your testimony
25 yesterday, do you still agree with that?

1 A. I agree that he didn't make or post a specific threat beyond
2 the one I already described, the going through Whitmer's
3 door. I guess I'm getting hung up here on the on the true
4 threat, or I mean the entire concept of the case is that he
5 was a true threat to law enforcement.

6 Q. And Joe, but Joe was around law enforcement a lot right, in
7 person, throughout your investigation?

8 A. Well he encountered them at protests.

9 Q. And he never got in any law enforcements face, every,
10 correct?

11 A. That's correct.

12 Q. And obviously didn't -- no violence ever occurred with any
13 member of law enforcement?

14 A. That's correct.

15 Q. He was at Operation Grid Lock at the Capitol on April 15th,
16 correct?

17 A. That's correct.

18 Q. No -- no violence occurred there?

19 A. That's correct.

20 Q. Correct, or by Joe Morrison, correct. And Mr. Kirkpatris
21 (sic) - Kirkpatrick touched on this but when Joe entered the
22 Capitol he - you agreed he followed COVID procedures, and
23 stopped at the door and basically asked permission, right?

24 A. I mean that's what I've come to learn, and I believe that's a
25 true statement, but I didn't observe that and it was pretty

1 loud on the recording as they were going, but I think it's
2 fair I'm not be -- combat that at all.

3 Q. And he left peaceably, no trespassing tickets nothing like
4 that, correct.

5 A. That's correct.

6 Q. I want to ask about these, these recordings just in general.
7 So you provide a recording device to your CHS?

8 A. That's correct.

9 Q. Correct. I guess sometimes the batteries die, is that true?

10 A. That's true, they do have batteries, and the batteries do
11 die.

12 Q. How long do these batteries last?

13 A. Well depends on which recording device you're using, and the
14 cond -- the outside conditions in the sun or in the cold
15 they'll you know, they'll wear quicker. Or if you're
16 transmitting or moving to different locations there's a
17 number of different conditions.

18 Q. So because you testified yesterday once you start recording
19 you never, you know you record everything, right?

20 A. That's our intention. If we don't -- I mean there's clearly
21 times when you're recording everything where things happen
22 like batteries fail, so we just kind of document that.

23 Q. Okay. I'll move up to June 3rd, 2020, there's a meeting at Ty
24 - Ty Garbins, which was recorded you testified?

25 A. That's correct.

1 Q. Joe and his wife Jayda were there, correct?

2 A. That's correct.

3 Q. Joe received an invitation to go to an Ohio Nation Militia

4 meeting with a client?

5 A. That's correct.

6 Q. And there's nothing even illegal, I mean I could go to a

7 Nation Militia meeting, correct and not be arrested just for

8 being there?

9 A. Well you probably wouldn't be arrested if you just showed up,

10 but there could be illegal activity going on at the militia

11 meeting, which was the case in this occurrence.

12 Q. Did you - you - did you have any assets there?

13 A. Yes.

14 Q. You testified that Joe stated he knew what was going on in

15 Ohio, correct?

16 A. That's what he said.

17 Q. Right. But other than that statement you don't actually know

18 what he meant by that, right?

19 A. Well he told us in the audio clip that we played, he knew

20 what -- what was -- was meant.

21 Q. Did he say what was meant or did he just the words. Are you

22 talking, strike that. Are you talking about exhibit twenty,

23 twenty-one in this case?

24 A. There's two exhibits that occurred you know right after each

25 other on the June 14th training, that's what I am referring

1 to.

2 Q. Okay.

3 A. I don't remember which ones twenty-one or twenty-two or what

4 they are.

5 Q. Well the first one was number twenty was allegedly Pete

6 Musico and the second one, number twenty one was supposedly

7 Joe Morrison, but in that recording all they said was that

8 they knew what Adam was about?

9 A. That's correct.

10 Q. Correct. He didn't say that he knew what happened in that

11 Ohio meeting in that recording.

12 A. That's correct.

13 Q. And I mean it's not illegal to know crazy people, and what

14 people are about, right?

15 A. That's correct.

16 Q. You could say -- you could really say that -- I mean you

17 could say -- you could say that -- that you know what -- you

18 could say that about anybody?

19 A. You could.

20 Q. Moving to June 14th there was a field training exercise on

21 that day?

22 A. That's correct.

23 Q. And this was a day where Joe says in conversation I know what

24 Adams about; I'm not stupid, right?

25 A. That's correct.

1 Q. And Adam is not at this training, correct?

2 A. On June 14th, correct?

3 Q. And again this was Dan doing vehicle ambush and kill house

4 trainings, conducting those tactical exercises?

5 A. Well those were the exercises that Paul Bellar and Dan help

6 participate as a training officer.

7 Q. Okay. Moving to 6/20, well I'm sorry one second, it was

8 actually your - your confidential informant, there's a phone

9 - there's a recorded phone call that went on between your CHS

10 and Adam Fox after this June 14th meeting, correct?

11 A. That's correct.

12 Q. And in the recording it sounds like some - there's another

13 person with your CHS?

14 A. Yeah, I was there.

15 Q. That was you? Were you telling him what to say or what to ask

16 in that recording?

17 A. I was, we were talking about it, we were talking about what

18 he was saying.

19 Q. And in the call it was your CHS who literally told Adam Fox,

20 dude you should come to Joe's and train with us sometime?

21 A. I don't have the exact con - transcript of the call, so I just

22 have a hard time right now attributing you know the words you

23 said to what it is. I mean I - I listened to it.

24 Q. Okay. So do - do you agree that - do you agree that it was

25 your informant who invited Adam Fox to Joes?

1 A. No.

2 Q. One sec.

3 MR. SOMBERG: You Honor I have an exhibit, which I
4 told the People about this morning it is a phone call. Your
5 Honor, I have a recorded phone call of which well.

6 MR. KIRKPATRICK: Your Honor, may I --

7 THE COURT: No, no, no.

8 MR. KIRKPATRICK: I'm sorry.

9 MS. DODDAMANI: What - I'm sorry I'm kind of
10 confused, what's going on here?

11 MR. JOHNSON: He's impeaching the witness, who just
12 said he doesn't remember using -- refreshing the witness's
13 memory or impeaching the witness about a phone call he can't
14 specifically recall himself.

15 THE COURT: Okay. Once again.

16 MR. JOHNSON: Oh, I'm sorry, your Honor.

17 THE COURT: You know, once again this is not -- this
18 is not a group activity.

19 MR. SOMBERG: I'm sorry about that, your Honor.

20 THE COURT: If you're refreshing his recollection
21 you don't need to do it on the record, normally when you
22 refresh someone's recollection you let them review it in
23 private. I guess you could refresh someone's recollection
24 with an audio. But you don't play the audio in open court,
25 you would have him listen to it, and if that's what you want

1 to do that is fine.

2 MR. SOMBERG: Yes. Well it's -- it's an
3 inconsistent statement your Honor, so I would like that
4 played.

5 THE COURT: Well once again I think you can say, did
6 you say this or not, okay. And if he denies saying that then
7 you can play it, okay.

8 BY MR. SOMBERG:

9 Q. Would hearing the audio refresh your recollection?

10 A. I'm sorry which audio is this?

11 Q. The audio of his phone call we were just talking about?

12 A. I don't even know the date of this.

13 Q. This was on, after the training on June 14th where you --

14 A. So there's -- there's two phone calls, there's an initial
15 phone call that Joe Morrison makes which is a conference
16 call, in which -- and then there's an individual phone call
17 between Adam Fox and my source.

18 Q. I'm speaking of the individual phone between Adam Fox and
19 your source, in which you just testified you yourself were
20 present at?

21 A. Yes, I was present there and I'm familiar.

22 Q. Okay.

23 A. And reviewing it I'm sure would refresh my -- my memory.

24 Q. Okay.

25 MS. DODDAMANI: Has he test -- Judge usually you

1 refresh your memory when someone doesn't have a memory of
2 something. He hasn't asked about any of the content for
3 which this agent does not have a memory of. So I'm asking,
4 ask the question and then decide whether you need to refresh
5 his memory with whatever you think he needs to have his
6 memory refreshed with it. Which still isn't very specific in
7 a portion of that call.

8 THE COURT: I understand the position --

9 MS. DODDAMANI: Thank you, judge.

10 THE COURT: -- that -- that you're taking, but he
11 says -- it's quite clear that this attorney wants to ask him
12 question relative to that phone call. He said it would
13 refresh his memory, so we can take a short break -- you can -
14 - you can play it for him, we're not going to play it in open
15 court.

16 MR. SOMBERG: Well your Honor he actually - he
17 already -- he -- he did testify that he already -- he did --
18 that he did remember, he testified that --

19 THE COURT: Okay.

20 MR. SOMBERG: -- that his confidential informant did
21 not say that. So I would like to play the recording for the
22 Court.

23 THE COURT: Okay.

24 MS. DODDAMANI: Did not say what?

25 THE COURT: Yeah, I'm sorry.

1 MR. SOMBERG: Did not say -- so the question was for
2 the record, the question was, did your confidential informant
3 invite Adam Fox to training at Joe Morrison's property, and
4 you said no.

5 THE WITNESS: Okay.

6 MR. SOMBERG: So I'm going to -- so for the Court.

7 THE COURT: Go ahead.

8 THE WITNESS: I'm sorry, for the -- is a -- I'm
9 trying to remember the duration of this call, is it a twenty
10 minute call?

11 MR. SOMBERG: It is, but I have it -

12 MR. TOWNSEND: You have to play the whole thing.

13 MR. SOMBERG: I'm not going to play the whole thing,
14 unless you want me to.

15 THE WITNESS: So it's hard for me to know the
16 context of the call like where in the call and the previous
17 conversation if you just pull a snippet out that I'm -- I
18 don't know if that will really refresh my memory.

19 MR. SOMBERG: I'm not trying to refresh your memory,
20 sir, at this point.

21 THE WITNESS: Oh, I'm sorry I misunderstood what
22 we're doing then.

23 THE COURT: Well even from an impeachment standpoint
24 it's a twenty minute call and you're playing one minute, I
25 think the witness is entitled to know the context.

1 MR. SOMBERG: Sure well, how about we'll start at
2 the beginning, and play a minute and then where the statement
3 comes in is at about ten minutes.

4 THE COURT: But once again, in fairness to the
5 witness if it's a twenty-minute conversation, playing one
6 snippet I think that he should be able to have adequate con -
7 context, so I will allow if you want to play the whole
8 conversation, we'll go ahead and do that. Give him the date
9 that it was made, and you can you play the whole
10 conversation.

11 MS. DODDAMANI: Judge could we -- could -- if you're
12 going to play the whole conversation could we take a break,
13 have the agent listen to the conversation, and then get back
14 on the stand and he can impeach him with a portion? The
15 whole -- the whole twenty minute clip is not going to impeach
16 the agent in any way here.

17 MR. SOMBERG: Your Honor, they've admitted two of
18 their exhibits are twenty second snippets from twenty-minute
19 conversations. I mean this is no different.

20 THE COURT: Well once again -

21 MS. DODDAMANI: Well if --

22 THE COURT: -- there was no objection; they're
23 having a problem here.

24 MR. SOMBERG: But --

25 THE COURT: I mean I -- I

1 MR. SOMBERG: Your Honor I could -- I could --

2 THE COURT: Sir, I only -- I -- I only rea -- I only
3 react to objections. The snippets I know there are thousands
4 and thousands of pages, and I understand that sometimes you
5 don't want to put everything in, although in this particular
6 situation as a trior of fact we've had this guy read in a ton
7 of stuff that if I was on your side I wouldn't be doing it,
8 okay. Any side, because I think it's a little bit redundant,
9 the trior of fact can take a look at the -- can -- can take a
10 look at the exhibits. All's I'm saying is if they're
11 objecting based on what I'm hearing from this witness, this
12 witness even said I need the context.

13 MR. SOMBERG: Sir --

14 THE COURT: And so I will allow you to impeach him
15 with it if you believe that there is something in that
16 statement inconsistent --

17 MR. SOMBERG: Yeah.

18 THE COURT: -- and either -- either we can do it on
19 the record or not.

20 MR. SOMBERG: Your Honor I would like to do it on
21 the record and so - for - for context, the speaking actually
22 starts at two minutes twenty-five, and the statement, which
23 I'm trying to impeach, is at ten forty. So we do two twenty
24 five to eleven.

25 THE COURT: You didn't hear me, the whole thing.

1 MR. SOMBERG: Okay, the whole thing.

2 THE COURT: And what's the date of it?

3 MR. SOMBERG: June 14th 2020.

4 THE COURT: Okay.

5 MR. SOMBERG: Just one minute, your Honor.

6 MR. KIRKPATRICK: Your Honor, can we take a morning
7 break right now?

8 THE COURT: No, I want to clear this up now, okay.

9 MR. SOMBERG: Your Honor, I could play the entire
10 call, it starts at 2:20, but I don't think the entire twenty
11 minutes is necessary, but.

12 THE COURT: This is about the third time I've told
13 you; it's all or nothing, okay. So if you don't want to play
14 the whole thing you don't want to impeach him, fine. Your
15 call.

16 MR. SOMBERG: I'll play the whole thing, your Honor.

17 THE COURT: Okay, go ahead.

18 MR. SOMBERG: The talking does start two minutes
19 twenty-five, it's completely silent before then, but I'm
20 going to fast -- if it's okay with the Court, I'm going to
21 fast forward to about two minutes.

22 THE COURT: How many times do I have to tell you
23 that I want the entire recording?

24 MR. SOMBERG: Okay, entire recording.

25 (At 10:07 a.m., audio of 6/14/20)

(At 10:27 a.m., audio concluded)

MR. SOMBERG: And that's it your Honor, it goes --

THE COURT: Okay, good. Did you hear it?

THE WITNESS: I did.

THE COURT: Okay. Go ahead Mr. Somberg.

6 BY MR. SOMBERG:

7 Q. And is that a recording of - a fair and accurate
8 representation?

9 A. Yes, of -- of the second phone call, it is.

10 MR. SOMBERG: I'd like to move this Court for
11 admission as defense exhibit; it's going to have to be number
12 --

13 THE COURT: It'd be -- it'd be -- it -- it -- it'd
14 be Morrison 1.

15 MR. KIRKPATRICK: Morrison 1.

16 MR. SOMBERG: Morrison 1. We've already made some
17 stickers your Honor.

18 THE COURT: Oh, okay.

19 MR. SOMBERG: But -- we can do them out of order.

20 || Do you have any objections?

21 MS. DODDAMANI: Well Judge I guess if it's being
22 offered to admission as co-conspirator statements then I
23 would ask that at this time judge that they're agreeing to
24 the fact that there is proof of a conspiracy. So these are
25 all co-conspirators --

1 THE COURT: Mm-hmm.

2 MS. DODDAMANI: -- of the entire conspiracy. So if
3 they are moving for that admission I would not object as long
4 as they are agreeing that at this point there is a
5 conspiracy.

6 THE COURT: So you're taking the position that if
7 they don't agree you're --

8 MS. DODDAMANI: How does it come in?

9 THE COURT: -- you're -- you're not -- so -- so
10 you're blocking admission of this exhibit based on a theory
11 that you're ultimately proposing anyways, I don't quite
12 understand that.

13 MS. DODDAMANI: Judge, I -- I don't have an
14 objection to it being let in, I'm just going --

15 THE COURT: Okay, the prosecution is ultimately
16 going claim that they are co-conspirators --

17 MS. DODDAMANI: I'll make my argument -- yeah.

18 THE COURT: -- so you know I -- I'm just kind of
19 surprised at that.

20 MR. TOWNSEND: Yeah.

21 MS. DODDAMANI: Well what I'm saying judge is that
22 they are conceding that they are co-conspirators by putting
23 in a co-conspirator statement, but I'll save that argument
24 for the motion judge, I don't have a problem.

25 THE COURT: Not -- no I don't -- I don't think they

1 are conceding it they -- they just want it in, and who -- who
2 knows why -- why they want in.

3 MS. DODDAMANI: That's fine judge.

4 THE COURT: And who really cares.

5 MS. DODDAMANI: Thank you.

6 THE COURT: Mr. Kirkpatrick?

7 MR. KIRKPATRICK: And your Honor I mean I don't have
8 an objection to the admission because quite frankly my client
9 is not charged with a conspiracy in this case, number one,
10 and number two my client is not privy to and/or part of this
11 conversation between --

12 THE COURT: Okay, is that - just -

13 MR. KIRKPATRICK: So --

14 THE COURT: -- you - you can just tell me if you
15 object or not.

16 MR. KIRKPATRICK: I have no objection; we'll have
17 arguments later, your Honor.

18 THE COURT: You don't -- you don't have to give me -
19 -

20 MR. KIRKPATRICK: Regarding if they try to --

21 THE COURT: Right, right you can just say I don't
22 object, I don't need to hear closing arguments.

23 MR. JOHNSON: We'd ask the Court to admit it as
24 impeachment evidence, he is a party opponent, he has been
25 impeached by an adverse party with a document from records of

1 the People, the Court can admit it for that purpose. And
2 that's why we're asking the Court to admit.

3 THE COURT: He is --

4 MS. DODDAMANI: Is that an objection or no objection
5 to it's admission?

6 THE COURT: -- I -- I -- I'm - I'm not sure on that.
7 He -- he -- he -- he's basically as I'm understanding it
8 admitted asking for an admission as substantive proof.

9 MR. SOMBERG: Yes, your Honor

10 THE COURT: Do you object or not object?

11 MR. JOHNSON: We don't object, your Honor.

12 THE COURT: Okay. What - what did you number it?

13 MR. SOMBERG: Your Honor --

14 THE COURT: -- you can go if you went out of - out
15 of order.

16 MR. SOMBERG: Yeah.

17 THE COURT: We can figure it out.

18 MR. SOMBERG: Just because we already have this
19 stickers.

20 THE COURT: Yeah.

21 MR. SOMBERG: You know what I'm going to start a new
22 order, just for simplicity.

23 THE COURT: Okay, that's okay.

24 MR. SOMBERG: Defense Joe Morrison exhibit number
25 one.

1 THE COURT: Morrison one is the audio.

2 (At 10:29 a.m., DX Morrison 1 admitted)

3 MR. SOMBERG: Thank you.

4 THE COURT: Okay, go ahead.

5 BY MR. SOMBERG:

6 Q. Special Agent you just testified under oath that your
7 confidential informant did not invite Adam Fox to Joe
8 Morrison to train, correct?

9 A. That's what I previously testified.

10 Q. Okay. Are - but that was - do you agree with me now that that
11 is not true?

12 A. Well I think this a fairly nuance issue since it's an
13 extension of a phone call that your client was part of. And
14 when this was previously discussed on a different phone call,
15 so I agree, and I did not recall when you asked me the
16 question my sources exact statement which I did hear and it's
17 a fair and accurate statement. But the phone that you played
18 is part of a greater contact, is part of a greater
19 conversation which Wolverine Watchman had a conference call
20 and agreed to engage with Adam Fox and basically rehashed the
21 entire call on a individual call with my source.

22 Q. Before that call?

23 A. Yes, directly before that.

24 Q. So my client was not on that call though?

25 A. Your client initiated the initial call which basically a

1 similar summary and repeat of the call you played in which
2 your client was not on it.

3 Q. And you're testifying that my - my client invited him first?

4 A. Well I don't recall the exact statements your client made in
5 a twenty minute call, the context to that conference call it
6 is Voip call over Facebook and I could hear the Wolverine
7 Watchman clearly, but the connection was muffled with Adam
8 Fox more so than it was on this call. So they discussed many
9 of the same things, the concept and they arranged meetings at
10 a protest which you heard them reference in this call. They
11 arranged how many men they needed to attack the capital, as a
12 group, as a Wolverine Watchman. And then shortly following
13 the because the connection was bad on the conference call
14 Adam Fox contacted, or reached out to our source to clarify
15 what he had talked about. And so we rehashed the entire call
16 over a clearer connection.

17 Q. Because the connection of the first wasn't clear with Joe
18 Morrison he called Dan?

19 A. He sent a Facebook message to Dan and asked for his number
20 and said hey can we -- and I'm paraphrasing, and for the sake
21 of impeachment this is all based on my memory and listening
22 to the call he asked to talk to Dan again and went over the
23 things that they had already went over with Joe Morrison and
24 the rest of the Wolverine Watchman leadership. So I -- I
25 can't recall exactly what Joe Morrison said in the initial

1 call and I didn't recall the exact words that source said on
2 the second call. But the recording was fair and accurate on
3 the second call.

4 Q. And at the time of this call Adam Fox was not on the
5 Wolverine Watchman Facebook and he was not on the wire chat,
6 correct.

7 A. That's correct.

8 Q. But yet your confidential informant invited him onto both of
9 those platforms?

10 A. Well he didn't invite him into Facebook.

11 Q. You invited him on -- onto Wire?

12 A. He invited him on to, well I can't recall from the first call
13 if he was already invited by Joe or the Wolverine Watchman,
14 there's two similar calls, but he did I agree on the call
15 that you played say that they were using Wire and asked if he
16 was in conversation with Joe on Wire. Something to that
17 effect.

18 Q. Okay. What -- but you -- so you agree that your CHS invited
19 not just him but his wife also to joint he Wolverine Watchman
20 Wire and they were not on before this phone call?

21 A. Not to join the Wolverine Watchman Wire, to use -- that they
22 said they're using Wire for encrypted communication. So the
23 Wolverine Watchman their Wire channel is for only those who
24 are vetted into the group and he wasn't invited to that, he
25 was invited to use the application for sec -- for secure

1 communications, they had just had a overcall on Facebook in
2 which the connection was bad and they didn't trust Facebook.
3 So our source was saying if we're going to continue to keep
4 communicating we need to use Wire or that's we do as the
5 Watchman.

6 Q. And you testified yesterday -- you were actually
7 investigating Adam Fox separately as an extremist and a
8 leader of a continental army?

9 A. So we didn't know of Adam Fox, or the Dublin meeting or the
10 content of that until this phone call. So once -- once we
11 had this phone call I learned who Adam Fox was and I had
12 learned that he had been in Dublin Ohio and we initiated
13 investigations following these two phone calls.

14 Q. Okay. I thought you said that you - you had assets at the
15 Dublin meeting in Ohio?

16 A. So when I say we there I mean the FBI generally speaking.
17 Me, as an agent out of Detroit did not -- did not have
18 assets.

19 Q. Before you had this phone call with Adam Fox did you - did
20 you check with other FBI agents, your Intel that you had on
21 him?

22 A. Well between the two phone calls the first time I had learned
23 of the name Adam Fox was when Joe Morrison called him. And
24 then shortly thereafter this phone call happened. So between
25 those two calls I didn't research him or look up, but I did

1 shortly thereafter the second call. I immediately got on the
2 data - on our databases tried to figure out who he was and
3 learned that he was in Dublin Ohio.

4 Q. Okay. Did you learn that this person was - was dangerous or
5 crazy?

6 A. Well I learned the contents of the planning in Dublin and I
7 did believe that he was dangerous.

8 Q. So with that knowledge you still wanted him to come and meet
9 the Wolverine Watchman at the Capital and come and train with
10 them, correct?

11 A. Well at the time of this I didn't have knowledge of Adam Fox?
12 I didn't know the details of the Dublin meeting and I didn't
13 know what he was capable of or what his resources were as he
14 described his group that he was talking about on the call.

15 Q. Yes, but you -- you just testified that after the call that
16 you did call and - and check him out and look him up and did
17 find out that he's dangerous and an extremist?

18 A. Correct, I think that's fair.

19 Q. But yet, so my question was when - in - now at this point and
20 time with that knowledge you still allowed --

21 A. Well I didn't have that knowledge at that point and time. At
22 that point and time we were, it was an awkward situation
23 because Adam Fox was calling Dan directly and Dan was
24 basically speaking on behalf of the Watchman, but he didn't
25 have the rest of the leadership group with him. So he's

1 basically parroting back what he heard and what the Watchman
2 agreed in the earlier call. And I didn't have the context nor
3 was I directly him at that time. Shortly thereafter and
4 throughout the duration of the investigation, I did get a
5 fuller picture of Adam Fox at the Dublin meeting of the
6 subjects across the United States.

7 Q. So, thank you, and when you say shortly thereafter are you
8 talking same day, next day?

9 A. I'm talking in the next month.

10 Q. So you didn't even look up this guy for a month, to find out
11 what he's about?

12 A. Well looking him up is one thing, and actually knowing the
13 level of threat he possess is another thing. So I looked him
14 up and I learned that he had been in Dublin and I didn't have
15 a full context of what Dublin was. So I looked up Dublin and
16 then we had a series of meetings and there was an extended,
17 there was a creation of an ad hoc task force through the FBI
18 to try to and assemble and determine and triage the level
19 threats from different states. So it was a long process to
20 try and figure out what we had/.

21 Q. So your - your Federal Bureau of Investigation didn't have an
22 - an - an extremist level on Adam Fox?

23 A. We didn't have an investigation on him.

24 Q. Okay. But when you did find out the information, you never
25 you - you - you were still - you were pushing, I guess you

1 were still encouraging Adam Fox to - to remain with the
2 Wolverine Watchman?

3 A. We don't have control over Adam Fox.

4 Q. So Adam Fox did attend, well they met at the Capital, Adam
5 Fox met my client at the Capital, correct?

6 A. That's correct.

7 Q. There's not violence there, correct?

8 A. Well they 0- they initially saw each other at a protest and
9 then they had a personal meeting on June 18th at the Capital.

10 Q. Was that meeting recorded?

11 A. Yes, it was.

12 Q. Okay. June 28th, Adam Fox attends a training was it at Joe's
13 or somewhere else?

14 A. It was at Mr. Musico and Morrison's residence in Munith.

15 Q. Okay. Was Joe there?

16 A. Yes.

17 Q. And was Joe, I mean he wasn't -- he wasn't leading anything
18 though, correct?

19 A. Well he's hosting the training.

20 Q. So there -- so he's present, right?

21 A. He's providing details on operational security. How to park,
22 how to get there without providing addresses, leave your
23 phones in the car or not. He's providing -- it's his -- it's
24 his place, it's his rules.

25 Q. Okay. But as far as when people get there he's - it's your

1 asset conducting the tactical training as we -- as we heard
2 on this recording we all just heard?

3 A. My asset and Paul Bellar.

4 Q. But Paul Bellar is the medical doctor, correct? The - the
5 bug -

6 A. The training officer with medical expertise.

7 Q. Correct, so the person doing the actual tactical training was
8 your guy primarily?

9 A. I mean I would agree that my guy as far as weapons
10 manipulation marksmanship as he said on the call, that - that
11 was my guys role. And that's something we instructed him to
12 do specifically.

13 Q. Okay.

14 THE COURT: I think now might be a good time to a --

15 MR. SOMBERG: Thank you, your Honor.

16 THE COURT: -- it's been -- give you a chance to --

17 THE WITNESS: I've got to use the bathroom.

18 THE COURT: -- to catch your breath. Why don't we
19 make it five -- five to eleven? And then we'll go to noon?

20 MR. TOWNSEND: Your Honor, may we all approach for a
21 minute?

22 THE COURT: Yeah.

23 (At 10:42 a.m., recess)

24 (At 11:03 a.m., back on the record)

25 THE COURT: Are you set?

1 THE WITNESS: I am and if --

2 THE COURT: Okay.

3 THE WITNESS: -- if you don't mind, I was hoping to
4 clarify something on the previous testimony.

5 THE COURT: Okay, that's, okay. I just want to make
6 sure that we are back on the record. Okay, we're back on the
7 record, everything - the witness has indicated that he wanted
8 to clarify something, so clarify away.

9 THE WITNESS: I had testified based on my memory
10 that I thought my voice was in the background of the call,
11 but then after listening to the call I didn't hear my voice,
12 so I just wanted to clarify that I think that I was referring
13 to a different call in which my voice is in the background
14 and once counselor refreshed my memory on the call, that
15 didn't appear to be the case.

16 THE COURT: Okay, okay Mr. Somberg.

17 MR. SOMBERG: Thank you.

18 THE COURT: Go ahead.

19 BY MR. SOMBERG:

20 Q. And do you agree that you did hear a second man's voice in
21 the call?

22 A. I guess I didn't pick that up on that one. I -- I was in the
23 room; I just didn't pick it up in the aud -- audio that you
24 played. And it wouldn't surprise me if - if it is there, I
25 mean I was there talking.

1 Q. Okay.

2 A. I was in the room.

3 Q. Okay. So you -- you were in the room for that phone call we
4 just, defense exhibit one?

5 A. Yes.

6 THE WITNESS: Okay. Let's just shift attention just
7 very quickly, if we could put peoples exhibit fifteen A on
8 the screen?

9 MS. DODDAMANI: We're going to have to load it up.

10 THE COURT: Yeah.

11 MR. SOMBERG: Oh, sorry I should have --

12 MS. DODDAMANI: It's going - it's going to be a
13 minute, we've got to reboot, and pull it up and connect.

14 THE WITNESS: I have exhibit book here.

15 MR. SOMBERG: If you have it in front of you that's
16 fine too, I don't really --

17 THE WITNESS: Exhibit one, here.

18 MR. SOMBERG: Fifteen A.

19 MR. TOWNSEND: Fifteen A.

20 THE WITNESS: Oh, I'm sorry.

21 MR. TOWNSEND: This one.

22 THE WITNESS: Copy. All right, I have fifteen A in
23 front of me.

24 MR. SOMBERG: Okay, thank you.

25 BY MR. SOMBERG:

1 Q. And this is you said this is a picture that - that - that the
2 gentleman in the picture thought it was the Governor's'
3 office?

4 A. Yes.

5 Q. Do you know who took the picture?

6 A. I think our - my source Dan.

7 Q. Okay.

8 A. Took the picture.

9 Q. Do you know who the men are on the left?

10 A. Generally speaking I know there - there user names on Wire as
11 they were vetted into the watchman. I don't remember their
12 actually identities although I do, did identify them.

13 Q. Okay. Are either one of the people, the two gentleman on the
14 - on the left do they to your knowledge do they work for you
15 or any law enforcement?

16 A. No, they are not --

17 Q. To your knowledge.

18 A. -- associated with us at all.

19 Q. Okay. I think I am done with that exhibit. Okay. You were
20 at the June twenty - twenty eighth training with Adam Fox,
21 this is the - and just to get back on track this is the first
22 training that Adam Fox went to, in June?

23 A. That's - that's correct.

24 Q. And Joe Morrison was there?

25 A. That's correct.

1 Q. But Joe Morrison, did he - he didn't even shoot a gun that
2 day did he?

3 A. I don't - I - well I didn't have visual of the training and
4 that's not a question that I asked my source during the
5 debrief.

6 Q. Okay.

7 A. Next there was some sort of national militia in Cambria -
8 Cambria Wisconsin, correct?

9 A. Yes, That's correct.

10 Q. What date did that occur?

11 A. It was the weekend of July tenth, through July twelfth of two
12 thousand and twenty.

13 Q. And you testified yesterday that Joe knew about this training
14 but decided not go?

15 A. That's correct.

16 Q. Then there was a national militia meeting in Peebles Ohio on
17 July 18th, correct?

18 A. That's correct.

19 Q. And this was attended by your confidential informant?

20 A. That's correct.

21 Q. And Joe Morrison was aware of this meeting as well, but did
22 not go to this meeting, correct?

23 A. That's correct.

24 Q. July 26, 2020 there was a tactical training exercise at Kaleb
25 Franks home in Fowlerville, you testified to this yesterday?

1 A. Yes, and I believe I clarified it's actually property owned
2 by his parents or grandparents, it's some sort of family
3 property in Fowlerville, it's not a residence.

4 Q. Okay, thank you I did note that as well, thank you. On --

5 THE COURT: What -- what -- I'm sorry, what date was
6 that?

7 MR. SOMBERG: July 26, 2020.

8 THE COURT: Okay, thank you.

9 THE WITNESS: That's correct.

10 BY MR. SOMBERG:

11 Q. This field training exercise was also recorded?

12 A. It was.

13 Q. And Joe Morrison was not that there also, correct?

14 A. That's correct.

15 Q. Would you agree in - in general starting in about July that
16 Joe was missing from a lot of Wolverine Watchman activities,
17 not all of them?

18 A. So Joe Morrison told the group that he was going to be --
19 that he was having some marital troubles and he stepped back
20 for a short period of time. Weeks, a few weeks and he talked
21 to the group about that. And then August 22nd, he came back
22 in the picture.

23 Q. Okay. So he -- so after -- after the June 14th meeting with
24 Adam Fox he didn't attend I want to say anything after that?

25 A. He attended quite a few things after that.

1 Q. Frank --

2 A. He attended the protest where he met up and initially vetted
3 out Adam Fox on June 18th, and then he had a personal meeting
4 with Adam Fox, a dinner, and following that dinner he invited
5 Adam Fox. The dinner was on June 26th, and then he invited
6 Adam Fox to the June 28th training. And then following that
7 he arranged and invited Adam Fox to the October 9th training.
8 And then after he stepped away for a few weeks he came back,
9 said he was back in the game and started organizing another
10 training at the end of August, he was invited by Adam Fox
11 into the Fuck Around and Find Out chat group, which was used
12 to discuss details about the attack planning. And then
13 finally in September he told the rest of the Wolverine
14 Watchman that the dance is coming and to get ready for the
15 Boogaloo.

16 Q. Okay. So let's back up a little bit here. Adam Fox attended
17 the June 28th training after meeting Joe at the Capital,
18 correct.

19 A. That's correct.

20 Q. Now the next day is the July 10th through 12th weekend, Joe is
21 not at the National Cambria meeting in Wisconsin, correct?

22 A. That's correct.

23 Q. Joe's not at the Ohio meeting July 18th, correct?

24 A. That's correct.

25 Q. Joe's not at the July 26th Fowlerville Family Home meet

1 training, correct?

2 A. That's correct.

3 Q. And you said that by July 29th that that Joe was out of the

4 loop with everything going on?

5 A. So late July early August he -- he stepped away from being

6 active on line, he told the group that his wife didn't want

7 him posting on Wire and so he was going to step away.

8 Q. Okay.

9 A. Which he did.

10 Q. And -- and Joe told you confidential informant on July 29th

11 that he's been out of the loop?

12 A. Yeah, I think that --

13 Q. Do you agree?

14 A. -- that's fair I mean don't quote me at the dates, I'm not

15 looking at what you're looking at, but generally speaking

16 it's a fair assessment based on you know my July to August

17 timeframe.

18 Q. Okay. And as late as August fourth, Joe Morrison -- and Adam

19 Fox told your confidential informant that Joe Morrison was

20 not yet aware of the conspiracy to kidnap Governor Whitmer?

21 A. That's correct.

22 Q. And on the on August 20th Adam Fox speaking to it looks your -

23 - your confidential informant on Wire that your confidential

24 informant asked any word on Bunyan? He's a networking guy.

25 Fox says nope, it's like he's not even involved anymore bro,

1 what's up with that? We need him. Would you agree with that
2 statement?

3 A. I -- I'm -- I'm just trying to track in my mind here, in my
4 memory.

5 Q. And I -- I can help refresh your recollection, sir.

6 A. Sure, if you don't mind.

7 MR. SOMBERG: Your Honor, may I approach?

8 THE COURT: Yes.

9 THE WITNESS: I see the statement that you're
10 talking about the -- the front page is not there so I -- so
11 it doesn't have the date. But I'll take your word for it if
12 you've got the date documented.

13 MR. SOMBERG: Okay.

14 BY MR. SOMBERG:

15 Q. So do you agree with the statement, or you -- you see that
16 this is a conversation between your confidential informant
17 and Adam Fox?

18 A. I do.

19 Q. What I handed you to refresh your recollection does not have
20 the date on it, however?

21 A. That's correct.

22 Q. Do you remember this however seeing this conversation at any
23 time during your investigation?

24 A. I do.

25 Q. Okay. And Adam Fox, well your -- your confidential informant

1 starts with any word on Bunyan, he's a networking guy on Fox,
2 flies like he's not even involved anymore, bro, what's up
3 with that we need him, and trust me what's going on is his
4 own doing and shouldn't be interfering with what we got going
5 on. That's all I'll say, have you heard from him, correct?
6 A. So you -- you mixed up two statements there. The first any
7 word on Bunyan is from my source. He's the networking guy.
8 Adam Fox is the one who said we need him and trust me what's
9 going on is his own doing and shouldn't be interring with
10 what's going on, that's all I'll say. Have you heard from
11 him?
12 Q. Okay. I believe I did have that.
13 A. Okay, sorry.
14 Q. But if I did misspeak --
15 A. Sorry I misunderstood.
16 Q. -- I didn't process that.
17 A. Yeah.
18 Q. But I agree with what you just said. And your confidential
19 informant said nothing when -- when -- when -- after Fox
20 asked had you heard from him your confidential informant says
21 nothing man. I talk with grandpa on Facebook messenger,
22 would you agree?
23 A. Yes, I think that's accurate.
24 Q. On -- by August 26th in fact there's a I would call it a
25 cascade of people leaving the Facebook Group?

1 A. Yes.

2 Q. Would you agree? What -- in your investigation how -- how
3 many people had left the Facebook Group on our about that
4 date?

5 A. Well Bellar's QRF chat, the bon-fire group, the ones that
6 became operators. They -- they left the Facebook Group after
7 Bellar tipped them off that he thought that law enforcement
8 might be on to them. So there was a tactical decision based
9 on Bellar's operational security to move to Threema. So they
10 left Wire, generally speaking and Joe Morrison told the group
11 there'd be a shadow group moving elsewhere, and gave
12 instructions to the Wolverine Watchman as to how he continued
13 to run training in late August early September.

14 Q. So at this time Adam Fox had created his own group chat?

15 A. So Adam Fox when they went on Threema the operational
16 planning, which is conducted on the Fuck Around and Find Out
17 chat on Wire, which Joe was a part of, Adam Fox led it on
18 Threema in September. So, in Aug -- August Joe was part of
19 that and in September he was not.

20 Q. And what was Threema?

21 A. Threema is another encrypted app, it's a -- you have to pay
22 to get it though. And its basically it's not a free app, but
23 it's a -- it's a similar concept of Wire, it's a social
24 messaging app that's end to end encrypted that was becoming
25 common at the time.

1 Q. Okay. And you don't have to basically when it comes to
2 Facebook and thank you for that description of the
3 application, that's not an illegal application?

4 A. Absolutely not.

5 Q. When if comes to a Facebook group or group chat the creator
6 of the group chat can just -- can just add people without,
7 and their added to the chat without that person approving it?

8 A. Sorry I got a little bit confused, but the concept if you're
9 an administrator people ask to come into the chat and you
10 approve them. You can actually set up in Facebook an auto
11 approval method, there's different settings in Facebook. But
12 on the encrypted app Wire and Threema, you generally speaking
13 have to be invited.

14 Q. And sir, but I'm talking about Facebook specifically.

15 A. Yeah, I don't know if Joe had the auto approval set up or if
16 he was approving people individually as they asked to be in
17 his Facebook Group.

18 Q. Okay. On 8/27, you're away of the conversation between Joe
19 Morrison and Adam Fox on Facebook?

20 A. I guess there's a lot of conversations, you'd have to refresh
21 my memory with more content of that.

22 MR. SOMBERG: And your Honor, may I refresh this
23 witness's memory?

24 THE COURT: Thank you, yes.

25 MS. DODDAMANI: What are you showing, can I take a

1 look?

2 MR. SOMBERG: Oh sorry.

3 THE WITNESS: This is the last exhibit, your Honor.

4 THE COURT: Okay, thank you.

5 MS. DODDAMANI: We just need to you know I need to
6 know dates, if that's all right?

7 MR. SOMBERG: Your Honor, may I approach with my --
8 my laptop, just to refresh his memory?

9 THE COURT: Whatever works?

10 MS. DODDAMANI: That'd be great.

11 MR. SOMBERG: Just the prior page has the --

12 MS. DODDAMANI: Yes, that's all I'm looking for to
13 make sure that it's the full document, thank you.

14 MR. TOWNSEND: Thank you.

15 BY MR. SOMBERG:

16 Q. So, I'm showing you what's marked page one of three.

17 A. All right, can you go up a little bit so I can see the date?

18 All so the date here is September 1st 2020. And then it's a
19 debriefing from August 27th 2020.

20 Q. Okay, So the report was made on the first we're at the
21 debriefing from a couple days prior? The 27th of August?

22 A. That's correct.

23 Q. Okay. And if you could please read those three pages and let
24 me know when your memory has been refreshed?

25 A. Sure. Would you like me to read them out loud?

1 Q. No.

2 MS. DODDAMANI: No.

3 THE WITNESS: Okay. Yeah, so I'm familiar with
4 this, this is a Facebook messenger conversation on the group
5 called the Coalition, which was a Facebook group created by
6 Adam Fox to get all the leaders of different militias on the
7 same page, in preparation for the attack planning.

8 BY MR. SOMBERG:

9 Q. Okay. And in this conversation on August 27th, Morrison said
10 I don't know what the fuck I'm a leader of at this point,
11 correct?

12 A. Yeah, that is correct. He was fairly depressed at that time
13 as he was thinking he was losing the group and they later
14 resolved that.

15 Q. Okay. At this time he did leave -- lose the group, they all
16 left his group chat.

17 A. So all of his operators that he had trained basically became
18 operators in Adam Fox's plot to kidnap the governor.

19 Q. You mean operators that Dan trained?

20 A. No, well operators that are from the Wolverine Watchman and
21 Dan was a training officer as well Paul Bellar under Joe
22 Morrison and Pete Musico's control.

23 Q. All right. But I'm going retrieve the laptop.

24 A. Yeah, please.

25 Q. They -- they were at, Joe did not do the training they were

1 at Joe's property, but he did not train anybody?

2 MS. DODDAMANI: Judge I'm just -- I'm going to start
3 objecting at this point because we are just going over the
4 same thing.

5 MR. SOMBERG: Okay.

6 MS. DODDAMANI: In different ways exactly the same
7 thing that he's testified to already.

8 MR. SOMBERG: Well it's a -- it's a different date;
9 it's a different date, your Honor.

10 THE COURT: Okay, yeah if you -- just different
11 dates, okay.

12 BY MR. SOMBERG:

13 Q. On -- on -- by -- you know on -- on August 27th Mr. Morrison
14 had not trained anybody, correct?

15 A. Mr. Morrison himself was not personally the training officer
16 he provided general direction, which was then carried out --
17 as, provided direction as the leader of the group, which is
18 carried out by the commanding officers under him.

19 Q. Okay. And Morrison's considering rebuilding and Fox said
20 there's always room at my table?

21 A. That's correct.

22 MR. SOMBERG: Your Honor, I have nothing further at
23 this time.

24 THE COURT: My notes don't reflect it, I will just
25 call you the FBI Agent because I don't want to be like Mr.

1 Kirkpatrick and misspell it. It may have been to refresh
2 some recollection, I have a Morrison 4, my records only show
3 that you offered as an exhibit, the audio 1, which was
4 accepted.

5 MR. SOMBERG: That -- yes that was the only exhibit
6 --

7 THE COURT: Okay.

8 MR. SOMBERG: -- to be admitted.

9 THE COURT: Okay, then I will return this to you.

10 MR. SOMBERG: May I approach, your Honor?

11 THE COURT: Yeah.

12 MR. SOMBERG: Sorry about that.

13 THE COURT: Oh, that's okay. It had a sticker on
14 it, so it looks official.

15 MR. SOMBERG: Yeah.

16 THE COURT: Okay. Mr. Johnson's been patiently
17 waiting.

18 MR. JOHNSON: Thank you, your Honor.

19 CROSS-EXAMINATION

20 BY MR. JOHNSON:

21 Q. All right sir, good morning.

22 A. Good morning, counselor.

23 Q. You work with the FBI you investigate; well part of your
24 duties is to investigate alleged domestic terrorism
25 organizations?

1 A. That's fair.

2 Q. Around March of 2020 you get a call from local law

3 enforcement in Flint, and says hey a guy came up in here and

4 said this group is threatening law enforcement and I want to

5 turn this over to you?

6 A. Yeah, I'd agree with that.

7 Q. At that point you -- you meet with the guy?

8 A. Yes.

9 Q. I'm just going to call him the guy because I -- there's so

10 much going on --

11 A. Yeah, no problem, yes.

12 Q. No disrespect to him or anybody, I'm just trying to --

13 A. Yeah, we met with him.

14 Q. All right, okay. You then go back and do some research onto

15 this alleged group?

16 A. That's correct.

17 Q. The group is the Wolverine Watchman?

18 A. That's correct.

19 Q. You determined that the Wolverine Watchman was founded in

20 November of 2019?

21 A. That's correct.

22 Q. You find out that they have administrators?

23 A. That's correct.

24 Q. Pete Musico is not one of the Facebook administrators?

25 A. That's correct.

1 Q. Find out one of the administrators was arrested for carrying
2 a concealed weapon in Macomb County back in June?

3 A. Yeah the year previous, yes.

4 Q. Okay. In November of 2019, he pled guilty to a misdemeanor,
5 and was sentenced to one day in jail?

6 A. That's correct.

7 Q. Pretty good deal especially coming from Macomb County?

8 A. It's a great deal.

9 Q. Nothing to be upset about?

10 A. Should not be upset about that deal.

11 Q. Okay. But in November 2019 a woman named Atatiana Jefferson
12 was also killed, correct?

13 A. I'm not familiar with that name.

14 Q. You were not - you're not familiar with Atatiana Jefferson,
15 African American woman, out of Fort Worth Texas who was shot
16 by law enforcement through her bedroom window when they
17 thought she was an intruder?

18 A. No, I'm not familiar with that.

19 Q. Okay.

20 A. The description sounds similar or familiar from news reports,
21 but I'm not familiar with the actual name of the victim.

22 Q. Okay. At some point in November they're recruiting, the --
23 the Wolverine Watchman, and when I say they I mean the
24 Wolverine Watchman?

25 A. Yes, that's accurate.

1 Q. Who specifically did Pete Musico recruit in November of 2019?

2 A. In November?

3 Q. Yes, sir.

4 A. Well, I would have to go back to his Facebook records, he

5 spoke to a number of people individually and he did invite

6 them to training, and tell him about his group, but I

7 couldn't say what the dates were on them.

8 Q. Okay. Who did he vet specifically in November 2019 if you

9 know?

10 A. In November, I don't know.

11 Q. Okay. And some point in December you look at their actions as

12 well?

13 A. So we did a Facebook return, which is historical in nature,

14 so we saw December on Facebook in -- in the Facebook search

15 warrant.

16 Q. In December, Pete Musico is still not a Facebook

17 administrator?

18 A. That's correct.

19 Q. In December who did he recruit to the group if you know?

20 A. I don't know who he recruited, but he was a regular

21 contributor on the Wolverine Watchman Facebook page and he

22 provided direction as to where the group was going and they

23 needed to set up regional QRF's.

24 Q. How many contributors on the Facebook page in 2019, December?

25 A. I think on -- on -- I can tell you that on March 17th, when

there was approximately fifty-four members when I looked at it. As far as going back historically and different months, I don't have that data or information.

4 Q. So your answer today in regards to December 2019, is you
5 don't know.

6 A. That's correct.

7 Q. Okay. January 19, Pete Musico is still not an administrator
8 on Facebook?

A. That's correct he was never an administrator on Facebook.

10 | Q. Okay.

11 A. To my knowledge.

12 Q. Okay. Who did he specifically recruit to the group in
13 January of 2020 if you know?

14 A. I'd have a hard time saying who he recruited in January.

15 Q. That's fair. At some point when you look at your historical
16 data you see memes, and other comments that Pete Musico
17 posts?

18 A. I did. I believe it was March when Pete Musico recruited an
19 individual out of Grand Rapids who had access to automatic
20 rifles, and was trying to get schematics and his knowledge on
21 automatic rifles so that he could apply it to his group.

22 Q. Thank you sir, but that's not my question, I asked you --

23 MS. DODDAMANI: I'm sorry judge, objection I think
24 he was finishing the question right before Mr. Johnson asked
25 another question.

1 THE COURT: I'll over rule it. I don't think that
2 he answered the question.

3 MR. JOHNSON: Yeah.

4 THE WITNESS: I'm sorry.

5 BY MR. JOHNSON:

6 Q. My question to you was you looked back historically at memes
7 that Mr. Pete Musico posted?

8 A. Well I looked back at his entire Facebook account, and it did
9 include memes, I agree with that.

10 Q. They were political in nature?

11 A. Yes.

12 Q. Some of them were satirical.

13 A. Yes.

14 Q. Whether you thought they funny or appropriate or not they
15 were satirical?

16 A. No, I would agree with that.

17 Q. And you agree that people speak sometimes in political double
18 entendres?

19 A. Sure, I agree with that.

20 Q. In February of 2020 if you know who specifically did Pete
21 Musico recruit to the group?

22 A. I don't remember any particular dates of when he recruited
23 people.

24 Q. Okay.

25 A. But I do know that he did.

1 Q. And as your previous answer, he was not a Facebook
2 administrator?

3 A. That's correct.

4 Q. Okay. Now we get to March, correct?

5 A. Sure.

6 Q. In March, you've got some exhibits that we talked about or
7 that you talked about with the attorney general's office that
8 you got from the Facebook group.

9 MR. JOHNSON: Can we go to the -- can -- I'm sorry,
10 I know you guys don't work for me, can we look at 3a on -- on
11 the screen? Thank you very much.

12 THE WITNESS: 3A?

13 MR. JOHNSON: Yes, 3A.

14 BY MR. JOHNSON:

15 Q. Well your -- you're looking at the exhibit, correct?

16 A. Yeah, I have the exhibit right here in front me.

17 Q. It's an exhibit of Governor Whitmer?

18 A. How can I screw Michiganders today, brought to you straight
19 from the Communist playbook.

20 A. That's what it says?

21 Q. Political?

22 A. Yes.

23 Q. Satirist? Well I don't even know if that's a word, but
24 satire.

25 A. Could be.

1 Q. Okay. Do you consider that extremist?

2 A. No.

3 MR. JOHNSON: Okay. Let's go to the next exhibit,
4 please.

5 MS. DODDAMANI: Which one, you have to give us names
6 and numbers.

7 MR. JOHNSON: Oh 3, 3B.

8 MS. DODDAMANI: Thank you.

9 BY MR. JOHNSON:

10 Q. I'm going to take your Second Amendment away, I'm going to
11 take your gun laws with -- I'm going to take your guns with
12 red flag laws. She holding a can that says Damn it feels
13 good, that's political?

14 A. Yes, absolutely.

15 Q. Satire?

16 A. Could be.

17 Q. You consider that extremist?

18 A. There's -- it kind of shows some of the motivations, but I
19 don't consider it like provoking violence. I consider it more
20 of like propaganda.

21 Q. 3C please. Them, you should really stop making Boogaloo
22 memes to avoid trouble? Me, ain't no party like a red flag
23 party. Holding a grenade that appears to be attached to a
24 doorknob?

25 A. I see it.

1 Q. It's political?

2 A. I guess so, it could be considered political.

3 Q. All right.

4 A. It's less political than the others.

5 Q. Satire?

6 A. I guess, I mean I don't think it's funny, but it -- it's a

7 meme.

8 Q. Okay. And is it an extremist?

9 A. Yeah.

10 Q. Okay. Because -- because of the grenade attached to the door?

11 A. Yeah.

12 Q. That's on the meme?

13 A. That's correct.

14 Q. 3D please. We did it before we'll do it again? Up front I

15 guess that's the revolutionary war?

16 A. Yeah, I'd assume so.

17 Q. Down is just a group of guys in the military camouflage and I

18 guess some people have dead leaves and grass on top of their

19 head, their hats?

20 A. Yeah.

21 Q. I mean you're laughing it's funny, right?

22 A. Well your description was funny.

23 Q. Well you know I'm not really from the military, but. So this

24 is political?

25 A. Yeah, I'd consider it to have a political tone.

1 Q. Okay. Because this is -- and these aren't all the things
2 that they posted in between November to March, correct?
3 A. No, there's quite a bit of things that they posted.
4 Q. Right, these are just a select few that the Attorney Generals
5 office chose to admit as evidence?
6 A. That's correct.
7 Q. Okay. And March 2020 is a very political time, is that fair
8 to say?
9 A. Yeah, I think that's fair.
10 Q. You consider that extremist?
11 A. It's right there on the edge.
12 Q. On the edge, okay. Let's go to the next please. 3, I think
13 that were on E?
14 A. Yep.
15 Q. Okay. It says this is a flag for the Boogaloo movement?
16 A. Yes.
17 Q. And this is what the Wolverine Watchman had on their Facebook
18 page?
19 A. Correct.
20 Q. It says his name is Michael Hastings
21 A. That's correct.
22 Q. At the top, Mr. Hastings was an individual who was shot by
23 police officers under very peculiar circumstances? Would you
24 agree?
25 A. I don't know his individual name, I know some of the -- some

1 of the other ones on the list.

2 Q. Okay. You never into the history of Michael Hastings and who
3 he was even though he's on the Michigan Wolverine Watchman
4 website?

5 A. I did not.

6 Q. Okay. Next up there is his name is Rich Cutshaw? Do you see
7 that?

8 A. I do.

9 Q. Rich Cutshaw was another individual shot by police on the
10 very -- well questionable circumstances. Did you research in
11 that -- in that case?

12 MS. DODDAMANI: Judge, I'm going to object here,
13 because Mr. Johnson is trying to testify, and this is, he
14 cannot testify.

15 MR. JOHNSON: I'm not testifying I'm asking him if
16 he research the Rich Cutshaw shooting.

17 THE COURT: Well you asked more than that.

18 MS. DODDAMANI: No, he's testifying.

19 MR. JOHNSON: Okay.

20 THE COURT: You said under questionable
21 circumstances. I -- I -- if you rephrase the question --

22 MR. JOHNSON: All right.

23 THE COURT: I think it's a legitimate inquiry, but.

24 MS. DODDAMANI: Thank you.

25 MR. JOHNSON: Did you -- did you --

1 MS. DODDAMANI: I do too, as long as he's not
2 putting his commentary in there.

3 BY MR. JOHNSON:

4 Q. Did you research the Rick Cutshaw shooting?

5 A. I did not.

6 Q. You ever heard his name?

7 A. It sounds familiar.

8 Q. Okay. His name was Gary Willis; did you research the Gary
9 Willis shooting?

10 A. I did not.

11 Q. Okay. Have you ever heard his name before?

12 A. It sounds familiar.

13 Q. His name was Eric Garner. Did you research the Eric Garner
14 killing?

15 A. -- I read a lot about that one public news reports. That's
16 a --

17 Q. Unarmed African American male killed by police?

18 A. That's correct.

19 Q. Apparently, the Wolverine Watchman want justice for him?

20 MS. DODDAMANI: Objection, speculation.

21 MR. JOHNSON: Your Honor.

22 THE COURT: This is -- this is cross-examination.

23 MR. JOHNSON: Exactly.

24 THE WITNESS: I -- I wouldn't speculate that they
25 want justice; I think that they want to use his name to

1 recruit for a terrorist attack.

2 BY MR. JOHNSON:

3 Q. Oh, that's what you think?

4 A. That's my belief.

5 Q. That's your belief. His name was Frank Ordóñez; did you
6 research the killing of Frank Ordóñez?

7 A. I did not.

8 Q. His name was Kelly Thomas; did you research the killing of
9 Kelly Thomas?

10 A. I did not.

11 Q. Her name was Vicki Weaver; did you research the killing of
12 Vicki Weaver?

13 A. I did not.

14 Q. His name was Samuel Weaver, did you research the killing of
15 Samuel Weaver?

16 A. No.

17 Q. His name was Duncan Lemp, did you research the name of Duncan
18 Lemp?

19 A. That one I did.

20 Q. Okay. Duncan Lemp was an individual kill by was it Federal
21 Enforcement?

22 A. I don't know if it was a task force environment, I don't know
23 who pulled the trigger. I believe there might have been a
24 federal weapons charge or -- or involved. But I don't have
25 specific details of how the - how the shooting or killing

1 happened.

2 Q. His name was Oscar Grant, did you research the name of Oscar

3 Grant?

4 A. No, I did not

5 Q. Her name was Breonna Taylor, did you research the name of

6 Breonna Taylor?

7 A. I did, that one.

8 Q. She was a woman shot by police.

9 A. That's correct.

10 Q. In her apartment?

11 A. Yes.

12 Q. While executing a search warrant?

13 A. Yes.

14 Q. Question of whether or not the allegations of that search

15 warrant are truthful?

16 A. Well there's a lot of propaganda about this one, and I don't

17 know what to believe on the open source.

18 Q. Okay. Do you believe that wanting or - do you think they're

19 using Breonna Taylors name to incite terrorism?

20 A. Oh, absolutely.

21 Q. His name was Robert Lavoy Finicum, did you research that

22 killing

23 A. Robert Lavoy, yes I'm familiar with that one.

24 Q. Another individual who was killed after police contact?

25 A. That's correct.

1 Q. Now it's your opinion that these individuals who in their
2 mission statement said they wanted freedom and equality for
3 all life forms, and would not allow people who were ethno
4 nationalist in their group, are only promoting these names
5 because they want to use them to recruit for their terrorist
6 purposes? Is that your testimony?

7 A. They certainly never said that they wanted freedom and
8 equality for all their life forms in their mission statement.

9 Q. Okay.

10 A. I read the mission statement previously.

11 Q. Did they say in any document that they wanted freedom and
12 equality for all life forms?

13 A. I'd have to refer back, but I do remember the end of your
14 question there and they certainly didn't want ethno
15 nationalist or racist of any kind. They want -- and I do
16 agree that in general they wanted diversity and they wanted
17 to promote equality. I just don't know if they explicitly
18 said how you said it in, right there.

19 Q. That's fair. So now we get into March, now you have approval
20 to do an investigation into this group?

21 A. That's correct.

22 Q. And --

23 A. Came in -- came in April.

24 Q. Okay. Came -- came in early April?

25 A. Initially just to clarify I just don't want to get the facts

1 wrong, initially we opened individual terrorism investigation
2 on Pete Musico, Joe Morrison and Paul Bellar and then later
3 May, June timeframe we were able to actually predicate the
4 entire organization. So from the beginning we were
5 investigating them as individual terrorist before the entire
6 terrorist enterprise was approved and opened.

7 Q. And that terrorism investigation was open based on Facebook
8 comments and memes about killing law enforcement?

9 A. No, it's not correct.

10 Q. What was it predicated upon?

11 A. Well the terrorism enterprise investigation was predicated on
12 some recordings with the confidential informant. It did
13 include the Facebook returns, it certainly wasn't predicated
14 on memes or any freedom of speech violations. We've got
15 fairly specific predication requirements which protect Pete
16 Musico, Joe Morrison and Paul Bellar from being investigated
17 for any freedom of speech or Second Amendment, for -- for
18 them legally carrying their riffles.

19 Q. Now at this point you believed they had seven trainings that
20 you had no assets at?

21 A. That's correct.

22 Q. And you have a recording that Pete Musico makes a statement
23 that concerns you about throwing a Molotov cocktail into a
24 state troopers home, and then wait for him to come outside?

25 A. He had a number of statements, but that was certainly one of

1 the most concerning.

2 Q. You weren't able to corroborate that -- that any of that of
3 that ever happened?

4 A. I wasn't able to corroborate if it happened or if it hadn't
5 happened.

6 Q. Right, so you don't know?

7 A. That's correct.

8 Q. And to this day you have no information that Pete Musico ever
9 thrown a Molotov cocktail into anybody's home let alone a law
10 enforcement officer?

11 A. The most information that I have is what he said and I don't
12 have information beyond what he said.

13 Q. Okay. And what he said could have been false?

14 A. It certainly could have been.

15 Q. Because we're talking about statements made from the internet
16 and at military trainings or military style trainings?

17 A. Correct.

18 Q. Okay. Now the Wolverine Watchman continue to have group
19 administrators at this point into April of 2020, is that
20 correct?

21 A. That's correct.

22 Q. Pete Musico was not a Facebook administrator?

23 A. That's correct.

24 Q. They had a vetting group chat, is that correct?

25 A. That's correct.

1 Q. Pete Musico was not in the vetting group chat?

2 A. That's correct.

3 Q. In April of 2019 who did Pete Musico recruit to the Wolverine

4 Watchman, if you know?

5 A. I couldn't tell you.

6 Q. Okay. Now in April 2019 -- of 2020 excuse me there's talk

7 about doing some trainings, correct?

8 A. Yes, yes.

9 Q. And that concerns you?

10 A. General trainings in April became concerning after they

11 occurred.

12 Q. Okay, after they occurred. Now at these trainings there was

13 no vehicle ramming?

14 A. Correct.

15 Q. Well we're -- we're going to start April specific, I'm sorry,

16 I'm sorry about that. The April training there was no

17 vehicle ramming?

18 A. There's a few trainings in April I'm thinking of April 19th.

19 Q. Well let's take it -- let's take them in order and we'll

20 break them down specific, okay. First you reviewed all the

21 private chats associated with this investigation as well,

22 correct?

23 A. That's correct.

24 Q. Is it fair to say that on April 3rd there was concern about

25 one of the co defendants, about Pete Musico having C4 and

1 called him crazy?

2 A. Yes, that's fair.

3 Q. There's no evidence that the C4 was real?

4 A. That's correct.

5 Q. As a matter of fact, did the investigation lead you to

6 believe that the C4 was fake?

7 A. That's correct.

8 Q. So now this is a fake statement that Pete Musico is putting

9 out to the group?

10 A. Well -- well I don't think a statement can be fake.

11 Q. Well --

12 A. A statement is a statement, but I agree C4 that he was a --

13 Q. Was a misrepresentation?

14 A. -- was a misrepresentation.

15 Q. Okay, thank you. All right, that's -- that's fair. Now at

16 the training April 19th they're working on weapons

17 manipulation?

18 A. Yes.

19 Q. Moving with weapons?

20 A. Yes.

21 Q. Operating weapons from a vehicle?

22 A. Yes.

23 Q. Using A&B pillars?

24 A. Yes.

25 Q. And responding to ambushes?

1 A. Yes.

2 Q. All of those could be -- now you use the term offensive and

3 defensive tactics, correct?

4 A. Yes.

5 Q. But the military doesn't make any distinctions between

6 offensive and defensive tactics if you know?

7 A. I've never been in the military.

8 Q. Okay. In April of 2020 you had some information that Joe was

9 dealing with depression?

10 A. Yes.

11 Q. And another member, actually somebody that's in this

12 courtroom went to his home and took his guns away?

13 A. Correct.

14 Q. That's the very implementation of a - or that's a

15 personification of a red flag law?

16 A. A red flag law, laws are specific to states and that's just

17 propaganda, I mean I don't know what you're talking about.

18 Q. Their concern about red flag laws were -- was, if you know,

19 were courts ordering or allowing police to -- to disarm

20 people they thought may present a danger to themselves or

21 others without some sort of conviction or constitutional

22 process?

23 A. Well red flag laws were based in how you set them up. So it

24 could be mental health professionals making assessments, it

25 could be whatever law is enacted in that state. I do agree

1 that there concern was that (indiscernible) government would
2 remove weapons and violate their Second Amendment rights.
3 Q. Okay. Now for that first April training, Pete didn't
4 schedule that training, did he?
5 A. I don't remember specifically how it was set up.
6 Q. Okay. Now this occurred in -- in -- in Munith Michigan?
7 A. It did.
8 Q. At the -- at a residence?
9 A. The April 19th training occurred in Munith at Mr. Musico and
10 Mr. Morrison's residence.
11 Q. Mr. Musico didn't buy that home?
12 A. That's correct.
13 Q. He didn't pay the property taxes on that home?
14 A. I don't know who paid the property taxes.
15 Q. Okay. He lived there?
16 A. Yes.
17 Q. You have no information that you can testify to today that he
18 invited anybody to that home for training?
19 A. Well he discussed the training, I'm going off my memory
20 between April 15th and April 30th, he was pretty vocal about
21 training, preparing and going to the protests. And he
22 certainly discussed a lot with members of the group. There
23 was a lot of dialogue, pages of pages of dialogue I remember
24 which Mr. Musico was involved in leading up to the training
25 as far as who was going and what MSP was doing as a result of

1 him observing them at the protest. That's what stands out in
2 my mind, I -- I can't say exactly which quotes he said and
3 which quotes he didn't. I'm trying to be helpful and --
4 Q. So you can't testify here today that he invited anybody to
5 the Munith home address for training?
6 A. I also can't testify that he didn't invite anybody. I don't
7 recall all the statements he said leading up to the training.
8 Q. Okay. Now there's a protest that you're referencing that he
9 was also talking about?
10 A. That's correct.
11 Q. Where was the protest?
12 A. Well the April 15th and the April 30th protests were both at
13 the state capital.
14 Q. They went to the state capital, Pete Musico did?
15 A. That's correct.
16 Q. Had on his mask? Or a mask?
17 A. Yeah.
18 Q. All right.
19 A. I believe he did.
20 Q. Complied with all orders and directives given in accordance
21 with the protest?
22 A. Nothing stands out to me that he didn't. I didn't observe, I
23 didn't have -- I was just listening to the audio, so I didn't
24 have eyes on him the entire time.
25 Q. Now we get to May. In May he's still not a Facebook

1 administrator of this group?

2 A. That's correct.

3 Q. He's not in the vetting chat?

4 A. That's correct.

5 Q. As a matter of fact in May 1st a new group was formed, a new

6 chat group?

7 A. They had quite a number of chat groups.

8 Q. Okay.

9 A. And I'm not saying he wasn't.

10 Q. Okay. Pete Musico was specifically excluded from that chat

11 group?

12 A. Which chat group are you talking about?

13 Q. Well in May 1st I don't know if the chat group had it --

14 A. I mean I will concur and agree that they specifically

15 included from a lot of chat groups. They were --

16 Q. Included or excluded?

17 A. Excluded.

18 Q. Okay, all right.

19 A. Yeah, he -- they were worried about his on line presence.

20 Q. Okay. Now is it true in April that they -- let me jump back

21 I forgot one thing, that this confidential human source may

22 have expressed to you that Pete Musico was doing things to

23 provoke a law enforcement response for recruitment purposes?

24 A. That's correct.

25 Q. Okay. So they're concerned about, the Wolverine Watchman are

1 concerned about Pete?

2 A. (No verbal response)

3 Q. And is that a yes?

4 A. Yes.

5 Q. Because he may be a detriment?

6 A. They had a few different concerns.

7 Q. Okay. And you confidential human source is telling you that

8 this guy is out her trying to provoke a response for new

9 recruitment purposes?

10 A. That's correct.

11 Q. Now in May there's a lot of talk about protest?

12 A. That's correct.

13 Q. In the chats. The counsel, there's another chat also that I

14 know we talked about, the counsel -- no we didn't talk about

15 the counsel, but there's a counsel chat that Pete Musico is -

16 that's one of the chats he was excluded from?

17 A. Correct, the counsel was formally the leadership chat.

18 Q. Exactly.

19 A. And at some period in time and then changed and was renamed.

20 Q. And Pete Musico wasn't in the leadership chat?

21 A. That's correct.

22 Q. And he's now not in the counsel chat?

23 A. That's correct.

24 Q. There's training schedules, there are trainings that are

25 scheduled in May?

- 1 A. That's correct.
- 2 Q. Mr. Musico is not part of the discussion in setting up those
3 trainings?
- 4 A. He was active on the main chat and they discussed the
5 training frequently on the main chat.
- 6 Q. He didn't schedule any of the trainings.
- 7 A. I'd agree with that.
- 8 Q. He didn't set the itinerary for any of the trainings?
- 9 A. That's correct.
- 10 Q. He didn't train anybody on how to do anything?
- 11 A. I think that's accurate.
- 12 Q. He was just there being trained and one of the people he was
13 being trained was your confidential human source?
- 14 A. He was being trained by the source.
- 15 Q. As a matter of fact in May Mr. Musico suggested a general
16 fund to buy ammunition and other things and Ty Garbin shut
17 him down, he said no?
- 18 A. I don't recall that specifically, but they did talk
19 frequently about general funds amongst the group on numerous
20 trainings.
- 21 Q. And it never happened, there was never any general funds set
22 up?
- 23 A. No, there was a general fund set up later.
- 24 Q. Okay. Was Mr. Musico part of that general fund?
- 25 A. He was not.

1 Q. Okay. Now there was a May 31st training that was moved to Ty
2 Garbin's residence, Mr. Musico was not present at that May
3 31st training, is that correct?

4 A. I don't the May 31st training date. I remember a May 30th BMS
5 (sic) protest in which they were up all night. If you see a
6 reference to it, it may have been a training that got
7 canceled because of the BML, BLM protest they attended.

8 Q. I thought that was -- I didn't mean to cut you off, I'm
9 sorry.

10 A. I'm not saying it's not on the books, or they didn't have it
11 planned, I just know that that was May 30th was the day that
12 they went to Detroit overnight.

13 Q. Okay. Well let's -- let's -- let's strike that, you know
14 that's a lot that's going, okay so let's back it up. There
15 was a Black Lives, BLM is Black Lives Matter?

16 A. That's correct.

17 Q. There was a Black Lives Matter protest scheduled?

18 A. That's correct.

19 Q. When you say they wanted to go, who specifically went?

20 A. So this the QRF and so Paul Bellar went my confidential human
21 source went, Ty Garbin went, I believe Solomon Clark, he uses
22 the alias Wolf attended, this is the -- the protest where two
23 of Paul Bellar's friends met up and had been performing
24 surveillance ahead of time. I documented who else was there,
25 there may have been another individual or a few in the car

1 and then another car came and met them down in Detroit.

2 Q. No Pete Musico?

3 A. That's correct.

4 Q. And he was not in the QRF chat?

5 A. That's correct.

6 Q. Now this whole QRF, was it we need a quick rapid, quick
7 response fire team to shoot law enforcement or was it we need
8 this team to respond and shoot law enforcement if they shoot
9 on our peaceful Black Lives Matter protest?

10 A. Well they actually had a lot of discussion about it
11 throughout the entire case. In this particular instance the
12 QRF team was going to shoot at law enforcement if law
13 enforcement shot at BLM protesters or anybody out there.

14 Q. So they were there for defensive purposes?

15 A. That's a tough one.

16 Q. Well let's -- let's -- let's break it down because I mean
17 this is what it's all about. Police officers, law
18 enforcement monitor citizens while carrying arms, is that far
19 to say?

20 A. They enforce laws, and if the laws are broken they can
21 enforce them, I mean I - I think saying htat they are
22 continually monitering them is - is tough to say.

23 Q. Okay and generally speaking law enforcement does not like it
24 when people with guns are watching them, it makes them
25 nervous?

1 A. I think that would make me nervous.

2 Q. Becuas you don't know what - what their intent is?

3 A. That's correct.

4 Q. And that's what concerns you?

5 A. That's correct.

6 Q. And whether you like it -- but whether like it or not, and
7 clearly you didn't like it, is that fair to say?

8 A. Absolutley.

9 Q. They were there for defenseive purposes?

10 A. Well they don't have the authority to be there for defensive
11 purposes so just being there is a violation of law - of the
12 law, and in doing so trying to respond is - it - it doesn't
13 feel very defensive to me.

14 Q. So your testimony is they violated the law when they went
15 down to Detroit will lawfully owned and lawfully possessed
16 firearms, went on property and watched law enforcement?

17 A. Yeah, so there's Michigan State Law that prohibits militia
18 activity from infringing on the right of Freedom of Speech if
19 its not sponsored or on behalf of the government. And so was
20 this was a time in which Free Speech was (indiscernible) by
21 BLM and they didn't have the authority to step in and act as
22 police officers to police the police. That's not a - I'm not
23 an expert on that law, and I don't know all the ins and outs
24 of it, but there certainly acting outside the bounds of a
25 legal militia.

1 Q. By watching police officers?

2 A. By engaging in protected activity to enforce laws themselves
3 that they don't have the authority to do. That's --

4 Q. Who did they engage on that day?

5 A. Well they were watching the police to enforce themselves.

6 Q. So you equate watching with engaging?

7 A. They can't be present at the protest as a militia to infringe
8 upon the Freedom of Speech of those present and they also
9 can't enforce the laws. Now in this case they didn't enforce
10 the laws, their stated purpose was to enforce the laws when
11 they were there, whether that's illegal or whether that's
12 offensive or defensive I -- I -- it's hard to say.

13 Q. Okay.

14 THE COURT: Okay I think -

15 MR. JOHNSON: Oh -

16 THE COURT: It sounds like you probably got a quite
17 a bit more --

18 MR. JOHNSON: Yeah we have a long way to go your
19 Honor.

20 THE COURT: So I apologize to both of you
21 interrupting this, but we'll break until one o'clock.

22 THE WITNESS: Thank you, your Honor.

23 THE COURT: Thank you, get a drink of water.

24 THE WITNESS: Thanks.

25 (At 12:00 p.m., recess)

(At 1:06 p.m., back on the record)

2 THE COURT: Okay, we're back on the record, we
3 still have the agent on the stand who remains under oath, and
4 Mr. Johnson is going to continue his examination, go-ahead
5 sir.

6 | BY MR. JOHNSON:

7 Q. Good afternoon Agent Impola.

8 A. Good afternoon counselor.

9 Q. I'm smart enough to ask first. I think -- think we left off
10 around -- around May, is it -- is it -- is that your memory?

11 A. That's my memory, yeah.

12 Q. It's now in May, we've already had two protests at the
13 Capital for various shutdown, relation to the shutdown orders
14 that the Governor hadn't passed?

15 A. Sure, yes.

16 Q. Okay. And the Wolverine Watchman are now communicating on
17 all chat forms, the one Mr. Musico was involved, and the ones
18 he was excluded from about their disagreement of those
19 shutdown orders?

20 A. Yes, that's fair.

21 Q. Would it be fair to say that your general knowledge a lot of
22 people were offended about those shutdown orders?

23 A Yes absolutely

24 Q. And a lot of people considered it a tyranny for the governor
25 on her own to shut down the state without input from the

1 state congress?

2 A. There's certainly a portion of people that believe that, yes.

3 Q. Okay. Do you consider that political being a extremists

4 viewpoint?

5 A. No.

6 Q. And also Mr. Musico is starting to get national attention

7 from the April protests?

8 A. That's correct.

9 Q. And based on your review of the chats, he felt good about

10 that?

11 A. I would agree with that.

12 Q. Okay. And I mean the personality of the people you

13 investigate matters?

14 A. Yes.

15 Q. And it's important for whether or not they can be radicalized

16 and pushed to extremism?

17 A. I think who they are is definitely plays into when they might

18 perform an attack and threat assessment of them individually.

19 Q. And something like someone's highest -- highest level of

20 education would be important?

21 A. No, I wouldn't, I mean it would be a factor in, in their

22 ability to understand things, but I guess that wouldn't be a

23 primary factor in their threat indicators.

24 Q. Right. A factor, okay. Whether or not they were employed at

25 the time would be a factor?

1 A. I think the employment or the lack of employment because of
2 the shut down is a motivating factor you know their ideology.

3 Q. And whether or not they agree politically what -- what's
4 going on would be something that you would consider?

5 A. Yes.

6 Q. And those are things that you did consider when continuing to
7 investigate specifically Mr. Musico and the Wolverine
8 Watchman?

9 A. Yes.

10 Q. Okay. His enjoyment of the spotlight that he got after the
11 April protest was consistent with what the confidential human
12 source said in terms of him trying to garner reactions from
13 law enforcement?

14 A. Yeah, I think that's fair.

15 Q. Okay. Now getting to further on in May, again Mr. Musico is
16 not in the administrators, he's not an administrator of the
17 Faceboook page?

18 A. Correct.

19 Q. He's not in the vetting chat?

20 A. That's correct.

21 Q. He's not in the Bonfire chat?

22 A. That's correct.

23 Q. He's not in the QRF chat?

24 A. That's correct.

25 Q. He's not in the Fuck Around Find Out chat?

1 A. That's correct.

2 Q. You have no knowledge that he recruited anybody, any specific

3 person to the group in May?

4 A. That's correct.

5 Q. And their training, and he's participating still in trainings

6 in May?

7 A. I'm trying to think through the trainings in May, yeah he was

8 still around, he was in trainings.

9 Q. And again he had no specialized skill set?

10 A. Well he described his specialization as explosives and that's

11 what the group believed.

12 Q. That was a lie?

13 A. I don't know that to be the case.

14 Q. Did you find any in your investigation any evidence that he

15 had any training in explosives?

16 A. Well we found inert grenade bodies and we found -- but no

17 training I guess to -- I don't know his basis of knowledge

18 for explosives.

19 Q. Were they, I don't know what the technical term is, were they

20 dummy grenades, were they real, were they?

21 A. I think they're, the concept was they were training grenades,

22 so it's a real grenade body with no explosives inside them.

23 Q. Okay. And the trainings at this point are still being led in

24 part by your confidential human source?

25 A. So our human source is part of the -- part of the tactical

1 || training.

2 Q. Okay. And he's in the leadership chat?

3 A. He is.

4 Q. He's in the QRF chat?

5 A. He is.

6 Q. He's in the Bonfire chat?

7 A. He is.

8 Q. He's in the Fuck Around Find Out chat?

9 A. He is.

10 Q. Now in June at some point George Floyd happens, is that
11 correct?

12 A. Yes.

13 Q. You're familiar with that?

14 A. I am.

15 Q. Okay. That sparked protests, violent and non-violent
16 nationwide, is that correct?

17 A. Correct.

18 Q. The Wolverine Watchman were monitoring the protests that were
19 going on?

20 A. That's correct.

21 Q. But they never left the state to go to any other area, well I
22 guess maybe one, except there is one person that went to was
23 it Indiana/Illinois and got arrested?

24 A. Yes.

25 Q. But nobody knew about that?

1 A. It was posted on the group chat and they talked about it.

2 Q. After the fact, right?

3 A. Yeah.

4 Q. Okay. But they never made a decision to go to any other

5 location to participate in any outside the state?

6 A. I agree with that.

7 Q. Okay. Now, and this now the probably second or third because

8 they was (indiscernible) that they talked about?

9 A. Second or third of June?

10 Q. No, no. At least the second police killing that they talked

11 about in these -- in these chats?

12 A. Well I mean they -- they talked about a lot of these police

13 killings, you know all - all of the names of the victims you

14 read, they were posting and talking about.

15 Q. And is it fair to say that these protests particularly 2020

16 were getting longer and more violent and more extreme?

17 A. I agree with that.

18 Q. Okay. Now George Floyd that protest I know how in my opinion

19 I saw things I had never seen, right. We saw multiple cities

20 have multiple violent protests, is that correct?

21 A. Yes.

22 Q. We saw a police station abandoned and burnt down by

23 protesters, is that correct?

24 A. That's correct.

25 Q. We saw Portland Federal buildings under attack nightly, is

1 that correct?

2 A. I don't know the specifics of nightly and federal buildings,
3 but I know, I agree with your sentiment and everything that's
4 going on there.

5 Q. And in Seattle we saw the local government surrender a
6 portion of downtown real estate to rioters?

7 A. Yes, sir.

8 Q. That's pretty Boogish isn't it?

9 A. I guess your asking my opinion on if - if I believe that's
10 the Boogaloo, is that?

11 Q. Well that was consistent with what they were worried about is
12 what I guess I am asking?

13 A. I think they took current events and bent them to what they
14 wanted them to be for their own agenda.

15 Q. Okay. But you agree particularly in Seattle apparently the
16 government was okay with rioters taking over portions of the
17 city and renaming it for at least a while?

18 A. I think the United States is at a history of civil
19 disobedience and protests and that over the summer of 2020 we
20 were still a long way from civil war, although some wanted it
21 to happen.

22 Q. Okay. Now they're still training as they're observing the
23 things that are happening in other parts of the nation?

24 A. That's correct.

25 Q. And part of that training included vehicle dismounts,

1 engaging people from vehicles and dealing with vehicle style
2 ambushes?

3 A. That's correct.

4 Q. Now you said that you don't think that's common militia
5 training?

6 A. That's correct.

7 Q. But isn't it true that combat tactics change with time?

8 A. Sure I guess that general statement is true.

9 Q. And urban warfare is something that is just a reality in
10 2020.

11 A. It's been a reality since the Gulf War.

12 Q. Okay. Right because you don't expect them to run around on
13 horseback training, right?

14 A. Well I mean if you're trained in a rural environment for the
15 collapse of society, they've talked about the transportation
16 system being gone, and one of the common Boogaloo tactics is
17 how you're going to survive without the existing
18 infrastructures. So horseback is on the table frequently.

19 Q. They never trained on horseback?

20 A. Not to my knowledge.

21 Q. Now at this time Mr. Musico is still trying to take steps to
22 be sort of the face in his -- in his terminology of this
23 movement?

24 A. Yes, he definitely considered himself the face of the
25 movement.

1 Q. He wanted to somehow engage in a citizens arrest of the
2 governor?

3 A. That's correct.

4 Q. Did he contact the federal court for an arrest warrant?

5 A. Well he stated that he did. He said that he stated that he
6 called a federal court, and he was looking for a boob judge.
7 I don't know if he did or not.

8 Q. And that concerns you?

9 A. That was less concerning in fact I was glad that he was
10 trying to do things legally and hoped -- hoped that at least
11 if he's using the system as it exists it, that was probably
12 the least concerning thing he did.

13 Q. Now at some point there was some testimony about an Ohio
14 convention?

15 A. That's correct.

16 Q. Mr. Musico was not in any of the chats where that convention
17 was discussed?

18 A. I'm trying to think when and where among all the chats the
19 convention was discussed. And it was discussed in the main
20 chat and so he was there.

21 Q. Okay.

22 A. Just logistics.

23 Q. Right. Just logistics. He wasn't - he wasn't invited?

24 A. Oh, he was invited.

25 Q. He was invited?

1 A. Yes.

2 Q. He didn't go?

3 A. That's correct.

4 Q. And at this point Mr. Musico is actually starting to miss

5 some of the trainings in June, late June early July?

6 A. Yeah, I think getting more so into July.

7 Q. Because at some point he left and went to Alabama?

8 A. That's correct. That was around July eighteenth and towards

9 the mid to late July.

10 Q. Now in June, around June fourteenth at this mandatory

11 training this discussion or this recording of Adam Fox starts

12 to be circulated?

13 A. That's correct.

14 Q. Okay. And there's a plan for members of the Wolverine

15 Watchman to meet up with Adam Fox at the state capital?

16 A. That's correct.

17 Q. At that - Mr. Musico was not involved in that plan?

18 A. He was present when they called and had a conference call

19 with Adam Fox and then he was present at the capital when

20 they met with Adam Fox for the first time.

21 Q. But he wasn't involved with the plan, he was just - he was

22 just there?

23 A. Well they were planning when they were at the capital, Mr.

24 Musico and Joe Morrison were talking about how many troops

25 they needed to take the capital and where the entrance and

1 exit points were.

2 Q. Right, we'll get to that. But I'm talking about the phone
3 conversation first?

4 A. Okay.

5 Q. All right. He was present when the conversation was made?

6 A. That's correct.

7 Q. And that conversation was just saying we're going to meet and
8 talk at that capital?

9 A. They talked about a lot of things in a conference call and
10 they did talk about how many men they needed, the direction
11 of the movement. Not everybody was talking at once amongst
12 the group of the Wolverine Watchman that were there. And the
13 takeaway that I had was they were going to meet again and
14 discuss this multiple times.

15 Q. Right and this is just an agreement to meet, it wasn't an
16 agreement to do anything?

17 A. That's correct.

18 Q. So they get to the protest at the Capital in June, Mr. Fox
19 pats him down, at this point states his plan, right?

20 A. That's correct.

21 Q. Mr. Musico says this is a fishbowl, it's not going to work,
22 you got to go to their homes at three a.m., right?

23 A. He said it was a fishbowl I think he brought up three a.m.,
24 later on the 28th when Adam came to the training.

25 Q. Now you don't know if his intent at that point was to either

1 talk Adam Fox down because was talking about killing people
2 and burning down the building or if he was just offering a
3 legit second attack plan?

4 A. At that time I didn't know, we later found out.

5 Q. Okay. Now they leave, correct?

6 A. That's correct.

7 Q. There's another training at the Munith Road residence?

8 A. Yes on June 28th.

9 Q. And Mr. Musico is talking to another individual and he's -
10 and played just a portion, you agree that this is a portion
11 of the entire conversation? We played a portion of that
12 yesterday when he's -- when he's saying to someone, you know
13 what this guys about, he's about pointing rifles and killing
14 people. Are you aware of that?

15 A. So the clip we played was from June 14th.

16 Q. Okay.

17 A. Not from the June 28th training.

18 Q. All right.

19 A. So he made those statements on the mandatory training and
20 then we haven't played anything from the 28th.

21 Q. Now a decision is made for individuals to go to Grand Rapid
22 to --

23 MS. DODDAMANI: I'm sorry what period of time are
24 you talking about, because I was wondering 6/14 or 6/28 now?

25 MR. JOHNSON: We're at 6/28 now.

1 MS. DODDAMANI: Thank you very much.

2 BY MR. JOHNSON:

3 Q. Now a decision is made to send individuals to Grand Rapids
4 for this meeting with Adam Fox?

5 A. Yeah, so the decision was made following the meeting on the
6 18th on June 20th, the individuals went to Grand Rapids prior
7 to the June 28th training.

8 Q. That was not in one of the chats Mr. Musico was a part of?

9 A. The decision was made at the in person protest on the 18th to
10 go to the Vac Shack as it were in Grand Rapids on the 20th.

11 Q. And that decision was made between what two people?

12 A. Well it was made between all the members of the Wolverine
13 Watchman leadership, so Joe Morrison, Pete Musico, Paul
14 Bellar, they talked to Amanda Keller and Adam Fox, Dan our
15 source was there. So as a group in front of the Second
16 Amendment rally on June 18th, they decided to meet up a few
17 days late to talk in more details in a private setting.

18 Q. And you consider Mr. Musico a part of the Wolverine Watchman
19 leadership?

20 A. Yes.

21 Q. He's not listed as a leader on any of their writings.

22 A. That's correct.

23 Q. He's not in any of their of their leadership (indiscernible)

24 A. That's correct.

25 Q. Okay. He does not go to this Grand Rapids meeting?

1 A. That's correct.

2 Q. He expressed concern with Adam Fox?

3 A. He did express concern, but he also supported him and

4 ultimately invited him to the June 28th training.

5 Q. He invited Pete Musico invited Adam Fox to the June 28th

6 training?

7 A. I guess what I am referring to a June 22nd call in which he

8 stated that Adam Fox is a valued asset and he's going and he

9 planned to invite him to the training.

10 Q. Okay. But he didn't particularly invite Adam Fox to the

11 training, Mr. Musico did not?

12 A. I think that's accurate.

13 Q. Okay. Now at the training that Adam Fox came to they engaged

14 int the same tacttical training that they had always engaged

15 in?

16 A. That's fair yes.

17 Q. Okay. And I think that the word that you used was

18 challenged, Mr. Musico challenged Adam Fox about his plan?

19 A. That's correct?

20 Q. There was no meeting of the minds between Adam Fox and Mr.

21 Musico?

22 A. Well there was a meeting on June 28th in which Mr. Musico

23 presented his three plan, the alternative plan to attack

24 politicians in their homes and Adam was there and he

25 presented this as an alternative. And so that was hashed out

1 as a group at the June 28th meeting.

2 Q. In July Mr. Musico goes to Alabama?

3 A. That's correct.

4 Q. In July Mr. Musico is still not an administrator on the --
5 well the Facebook page had been shut down, in late June,
6 correct?

7 A. I think early May it was shut down, they recreated some
8 accounts and then there was a purge from Facebook in the June
9 timeframe.

10 Q. He wasn't an administrator in any of those new accounts?

11 A. He created a new personal account, but he was not an
12 administrator of any of the Wolverine Watchman accounts.

13 Q. There was still chat groups that he was specifically excluded
14 from?

15 A. That's correct.

16 Q. As a matter of fact he was doing things such as going to
17 protests and making media comments that according to your
18 review of the chat logs other members didn't approve of.

19 A. Yeah, so into July as the group was becoming a shadow group
20 and becoming more operational Pete Musico and Joe Morrison
21 did maintain the face of the movement and were more present
22 at protest when other members weren't.

23 Q. Okay. As a matter of fact there were, weren't there members
24 of the group that according to your review of the chat logs
25 specifically instructed people not the tell Pete things?

1 A. I'm trying to think of specific instances, I just don't
2 recall.

3 Q. Okay. Now you agree that in August and September there were
4 trainings that Mr. Musico did not attend?

5 A. That's correct.

6 Q. There were, and that includes Wisconsin?

7 A. That's correct.

8 Q. That includes Luther Michigan, northern Michigan?

9 A. Yes.

10 Q. And there were conventions that he did not attend?

11 A. Yes.

12 Q. And after this training or this meeting where a kidnapping
13 was discussed, and people rejected ideas I think is what your
14 testimony was yesterday. Then there was a mention of it in
15 another private chat?

16 A. I'm sorry which date are we talking about?

17 Q. That would be the Fuck Around Find Out chat in July, do you
18 recall that.

19 A. Yes, I recall the Fuck Around Find Out chat in July.

20 Q. Well I mean I guess we don't have to be specific I mean
21 unless you feel the need to be. But would you agree that
22 those plans were discussed in a chat that Mr. Musico was
23 specifically excluded from?

24 A. They were discussed in a chat that he was excluded from, yes.

25 Q. And during this time Mr. Musico starts talking about having

1 to win over the hearts and minds?

2 A. He always believed that he needed to win over the hearts and
3 minds from the beginning, he was pretty adamant that they
4 needed to be right when they did it.

5 Q. At the training in which Mr. Fox who was not a member of
6 Wolverine Watchman correct?

7 Q. Came and participated with the Wolverine Watchman, the
8 training structure was still the same, and by that I mean the
9 people who were leading the training were the same, your
10 confidential human source, and others?

11 A. That's correct Adam Fox was invited to Wolverine Watchman
12 training as a guest.

13 Q. Mr. Musico was just there training, he wasn't leading any
14 segment of the training?

15 A. Well he held court and provided his plan for attacking
16 politicians on the 28th. So he addressed the group as a
17 leader and told them, he in fact gave the group an ultimatum
18 and said that if you're not willing to attack politicians you
19 need to leave the group.

20 Q. This is the guy that they refer to as Crazy Pete?

21 A. Crazy Pete and Grandpa.

22 Q. Right, and okay. And nobody moved when he said that?

23 A. Nobody moved at that time, later come to find out some
24 individuals backed out and left the Wolverine Watchman.

25 Q. And when Mr. Musico made that statement he wasn't - you had

1 no evidence he was aware of any other plan that may have been
2 discussed in these private chats?

3 A. Well I was aware that Mr. Musico was in direct contact with
4 Barry Croft, the leader of the national attack planning. And
5 in Wisconsin Barry did talk to our confidential human source,
6 Dan and stated that he was in contact Mr. Musico. And we did
7 see that from phone records.

8 Q. That was about drafting an arrest warrant though, correct?

9 A. No, that was about his three plan. Which he was pushing, he
10 asked Dan to talk to Barry about his three plan, and then
11 Barry said that Pete was a good man and that he leaned on him
12 for spiritual advise as they got through this.

13 Q. So Barry never agreed to that?

14 A. Barry, Barry never took up his three plan.

15 Q. Now in October eventually the confidential human source
16 reaches back out to Mr. Musico?

17 A. In October?

18 Q. Yes, shortly before the arrest, I think October 1st.

19 A. Okay. I do believe that I recall somewhere are around that
20 timeframe. The exact date is not coming to me. But yes that
21 sounds fair.

22 Q. And at that time is it true that he admitted to the
23 confidential human source that he was not serious three, that
24 it was a stupid idea and he was just talking?

25 A. That's just not ringing a bell.

1 Q. That's not ringing a bell.

2 MR. JOHNSON: Your Honor, can I have a few minutes?

3 THE COURT: Absolutely.

4 MS. DODDAMANI: If you could direct us to whatever
5 you end up pulling up Mr. Johnson, thank you.

6 BY MR. JOHNSON:

7 Q. I guess foundationally you're familiar with what a 1023 is?

8 A. I am.

9 Q. Can you tell the Court what a 1023 is?

10 A. So an FD 1023 that's the form number for what we call a delta
11 report or a source report or a CHS report.

12 Q. And who authors these reports?

13 A. Generally speaking it's the handling agent of the informant.

14 Q. And in this case who was the handling agent of the informant?

15 A. Myself and my partner Jason Chambers were handling agents.

16 Q. So it would have been customary for you to authorize a delta
17 report?

18 A. I did in this case Jason Chambers took the lead on a lot of
19 the delta reports, but I authored some as well.

20 Q. So again if, again if because I can't pull it up right now,
21 if that statement is in a delta report, something to that
22 effect that would be because after interviewing the
23 confidential human source either you or Mr. Chambers put that
24 in a report to memorialize that being part of a discussion?

25 MS. DODDAMANI: I am going to object here judge.

1 The if part it's just -- it's like we're getting testimony
2 and we're asking the witness to speculate about what might be
3 in some report what we haven't identified. So I don't
4 believe that that's something that the witness can testify
5 to.

6 THE COURT: I -- I understand the reason for the
7 question, it's -- it's too bad he can't pull up the report.
8 But I do - but if you can pull it up and - and rephrase, but
9 I'll sustain it at this point and time.

10 MS. DODDAMANI: Okay, thank you judge.

11 BY MR. JOHNSON:

12 Q. While I did search the report Mr. Musico did post or share a
13 post of the governor's vacation home on social media?

14 A. That's correct.

15 Q. He wasn't the only person that posted that that post had been
16 shared thousands of times, is that correct?

17 A. I don't know the origin of that post or where it came from.

18 Q. What was in that post was public information, is that
19 correct?

20 A. Yes, I think that's fair.

21 Q. And in the context of that post they were calling for a
22 protest at the governor's vacation home?

23 A. Yes.

24 Q. And the reason being according to the post was they thought
25 it was hypocritical that she was having a vacation or well a

graduation party while she was ordering shutdowns and lockdowns?

A. Yes, I think that's a fair summary of the post.

4 Q. And that was of course political in nature?

5 A. Yes.

6 Q. And to be upset about a perceived hypocrisy in the shutdown
7 order is not a extremist viewpoint?

8 A. No absolutely not.

9 MR. JOHNSON: Your Honor, I'm finished, I'm not
10 going to waste the Courts time. If I get the opportunity to
11 do it later, I will.

12 THE COURT: Okay. You can potentially revisit that
13 if you find it.

14 MR. JOHNSON: Thank you.

15 MS. DODDAMANI: Could I just ask for like a five-
16 minute restroom break would that be appropriate time.

17 THE COURT: Yes, I'm not going --

18 MS. DODDAMANI: Not longer than five minutes, judge.

19 THE COURT: We can take a five-minute restroom
20 break, that's fine.

21 MS. DODDAMANI: Thank you, judge.

22 || (At 1:38 p.m., recess

23 || (At 1:43 p.m., back on record)

24 THE COURT: We're back on the record, and I think
25 we're going to start the second round, go ahead.

1 MS. DODDAMANI: Thank you, judge.

2 RE-DIRECT EXAMINATION

3 BY MS. DODDAMANI:

4 Q. All right. Agent Impola, I'm going to take this as we have
5 you know three attorneys, doing cross regarding their
6 clients, so I'm going to break it up in the same way. I'm
7 going to ask you questions first about Paul Bellar, and
8 redirect on that topic first, okay?

9 A. Sure.

10 Q. All right, so do you remember the line of questioning about
11 how Paul Bellar never actually committed any terroristic
12 acts, is that correct?

13 A. That's correct.

14 Q. Okay. Is that what he's charged with in this case, Agent
15 Impola?

16 A. No, he's not charged with that.

17 Q. What is he charged with in this case in relation to
18 terroristic acts?

19 A. He's charged with material support for terrorism.

20 Q. Okay. And what's the difference there?

21 A. Well material support doesn't need to actually include a
22 terroristic act. It needs to be supporting acts of terror by
23 others.

24 Q. And so what acts of terror by others did Mr. Bellar support
25 here?

1 A. Well he supported multiple different attack plans from the
2 Wolverine Watchman as well as the kidnapping plot against the
3 governor.

4 Q. Okay. So what multiple attack plans that you just mentioned
5 did Mr. Bellar support, and in what way did he support them?

6 A. Well Mr. Bellar supported the Wolverine Watchman's initial
7 attack plans of storming the Capital.

8 Q. Did storming the Capital ever occur by the Wolverine Watchman
9 or any of the members seated in the courtroom today?

10 A. Well they got into the Capital, whether they stormed it or
11 not they certainly were able to probe the Capitals defenses
12 and make -- make progress towards that plan.

13 Q. Okay. What other plan?

14 A. They talked about kidnapping politicians and law enforcement
15 officers in their homes.

16 Q. Okay. And did those ever occur actually?

17 A. No, they did not.

18 Q. Okay. And what support did Mr. Bellar provide to that plan?

19 A. So Mr. Bellar laid out the training itinerary and he
20 recruited members, he helped vet members and he participated
21 in training as a - with his expertise as -- which is
22 emergency medicine.

23 Q. Okay. Now you -- do you remember the series of questions
24 that Mr. Kirkpatrick asked you about different techniques
25 that were used, so kill houses for instance, shoot houses,

1 correct?

2 A. I do.

3 Q. Okay. And do you remember him asking you well no one ever,

4 Mr. Bellar never said anything about this is the Capital we

5 training on, is that correct?

6 A. That's correct.

7 Q. And Mr. Bellar never said this is the Governors house that we

8 simulating here at this moment, correct?

9 A. That's correct.

10 Q. Okay. But -- and so do you believe that that lack of

11 specificity means those kill houses weren't for the plans?

12 A. No.

13 MR. KIRKPATRICK: I guess I would object to

14 speculation. They're talking about a kill house your Honor,

15 but if it's not laid out like the Capital, if it's not

16 specifically talking about the Capital and/or the Governor's

17 house it's speculation, and a far stretch that this somehow

18 equates to a kill house that their down the road playing for

19 at Governor Whitmer's residence.

20 MS. DODDAMANI: Let me ask it a different way,

21 judge.

22 THE COURT: Yeah, I'll -- I'll sustain the

23 objection. I think the same - I think that the point can be

24 made if -- if properly rephrased potentially.

25 MS. DODDAMANI: Thank you.

1 BY MS. DODDAMANI:

2 Q. What techniques were they practicing that could in fact
3 simulate going into the Capital or Governor Whitmer's house?

4 A. So that would be breeching, center breeching doors through
5 double doors.

6 Q. What does that mean?

7 A. So that means two doors next to one another that open inwards
8 into like a public building such as the Capital as opposed to
9 somebody's house, which just has a singular door.

10 Q. Okay. What else?

11 A. Well they specifically talked about ambushes including
12 planned ambushes versus opportunity ambushes.

13 Q. What's the difference? What does that mean?

14 A. Well an opportunity ambush could happen at a protest; it
15 could happen when the time is right with the crowd, which
16 they certainly talked about frequently. A planned ambush was
17 the more specific detailed plan of kidnapping politicians in
18 their homes.

19 Q. Anything else?

20 A. Yes, they talked about convoy tactics and they talked about
21 taking down a hostile vehicle.

22 Q. What is a convoy tactic?

23 A. Well a convoy is something that protection details would use
24 to protect a dignitary or head of state or for instance the
25 Governors protection detail. It's something that law

1 enforcement would do to protect a politician from being
2 targeted.

3 Q. So you said convoys and then you said something after that,
4 but I forgot?

5 A. Yeah, I said one of the training items was taking over a
6 hostile vehicle.

7 Q. And so how does that relate?

8 A. Well I guess in plain experience that I normally have we'd
9 call that carjacking.

10 Q. And what is that, taking over a hostile vehicle?

11 A. That would mean using force typically a weapon in this case
12 as they were training to take that vehicle, take over custody
13 and control of that vehicle from the operators of that
14 vehicle and in this case operators who are fighting back
15 against them.

16 Q. Okay. Any other tactics?

17 A. They talked about L shaped ambushes.

18 Q. What are L shaped ambushes?

19 A. L shaped ambushes are a specific technique to put your enemy
20 in a position of fire that they can't escape, and they can't
21 survive from.

22 Q. Okay. Anything else?

23 A. That's about it.

24 Q. Okay. Now you had testified when Mr. Kirkpatrick asked you
25 about how these tactics that were being practiced were not

1 typical of other militias, what do you mean by that?

2 A. Well because these tactics are offensive in nature and
3 because these tactics are intended for more specific targets.

4 MR. KIRKPATRICK: Your , I guess I would object
5 again for speculation. I understand that the Court endorsed
6 him as an expert as far as his investigation; I guess I'd
7 like a little more voir dire because now we're getting
8 specific to militia itself and how many cases of militia that
9 he's actually investigated. And how many cases of militia
10 were he's actually obtained what their training is or not and
11 to somehow say that this is different than normal militia, I
12 don't think a proper foundation has been laid that he can
13 somehow say this particular training is different than any
14 other militia across the country.

15 MS. DODDAMANI: Well I think he's trying to get
16 there because that was my question. How is this -- how is
17 what he's talking about because he said it was not typical
18 from other militias what does that mean was my question. But
19 I think that that was what he was trying to answer.

20 THE COURT: Your next questions is going to be how do
21 you know that?

22 MS. DODDAMANI: Yeah.

23 THE COURT: Okay. Okay. Go ahead.

24 MS. DODDAMANI: Thank you, judge.

25 BY MS. DODDAMANI:

1 Q. If you could answer the question of what did you mean by its
2 not typical of other militias, and then how do you know that?

3 A. So the answer is in my training and experience with
4 traditional militias or nonviolent militias. They don't have
5 the type of specificity in their target as is being practiced
6 by the Wolverine Watchman.

7 Q. And how do you know what typical militias do or do not -- do
8 nonviolent ones as you say?

9 A. So during the course of my career, I'm typically fielding
10 complaints, assessment, and information about potential
11 violent actors and militias are often times reported just
12 because they have guns. So I have to interact and triage and
13 determine which militias are extremists and then the whole
14 crux and concept of an FBI militia extremism case is that
15 there the subject is, has a violent ideology beyond that,
16 which is just exercising your Second Amendment and First
17 Amendment rights.

18 Q. You mentioned, you mentioned training on tactics and one of
19 the things you mentioned aside from the idea of simulated in
20 the Capital or Governor Whitmer's home you also mentioned
21 something about a -- about maybe a precinct in Battle Creek,
22 can you clarify that?

23 A. Sure. So Barry Croft in Wisconsin, excuse me in Peebles Ohio
24 had talked about attacking what we believed was a state
25 police training facility in Battle Creek.

1 Q. Okay.

2 MR. KIRKPATRICK: And your Honor, I would object to
3 that my client was not at that meeting or a part of that
4 meeting.

5 MS. DODDAMANI: Well he asked about this judge, he
6 said there was no training on a specific precinct on Battle
7 Creek fire bombing precinct, they were trained on general
8 tactics. He's asking about that, he brought that up.

9 MR. KIRKPATRICK: My client is not there.

10 MS. DODDAMANI: I'm clarifying what he's asking
11 about. I don't see how this is an issue.

12 MR. KIRKPATRICK: My client wasn't in Peoples --
13 Peebles Ohio. So to say now that my client is planning an
14 attack on the Battle Creek precinct where my client was not
15 involved in any conversations with it is not relevant to my
16 client.

17 THE COURT: Just because he asked something on cross
18 examination that was not objected to --

19 MS. DODDAMANI: I asked on direct.

20 THE COURT: -- doesn't -- doesn't acure (sic) the
21 relevance when you ask it on redirect.

22 MS. DODDAMANI: Judge I -- I asked it on direct, and
23 he testified to it on direct then Mr. Kirkpatrick crossed and
24 now I'm just trying to clarify what it was.

25 MR. KIRKPATRICK: I didn't even get into Peebles

1 Ohio in my cross-examination.

2 MS. DODDAMANI: No, but you got into Battle Creek
3 precinct and fire bombing.

4 MR. KIRKPATRICK: I didn't get into that either, you
5 brought that up, when I brought up asking him if he had -- if
6 my client specifically, my client.

7 MS. DODDAMANI: Judge, maybe I could ask a couple
8 clarifying questions, just so we don't --

9 THE COURT: Okay.

10 MS. DODDAMANI: -- have to do this.

11 BY MS. DODDAMANI:

12 Q. What were you talking about there, was -- in specific to Mr.
13 Bellar, if anything?

14 A. Well if my memory serves me from yesterday, the -- the topic
15 came up when we were talking about the June 20th Vac Shack
16 meeting and Mr. Bellar's involvement in violence against law
17 enforcement.

18 Q. Okay. Was this something talked about in the Vac Shack
19 meeting on 6/20?

20 A. Well we talked about attacking Michigan State Police in the
21 Vac Shack meeting.

22 Q. Okay.

23 A. And then I think it got conflated with the Peebles Ohio
24 attack planning by Barry Croft.

25 Q. Okay, thank you. Let's talk about, since we're on this topic

1 of Vac Shack meeting. Did Mr. Bellar do anything to
2 contribute or refine the plans that were discussed at that
3 Vac Shack meeting on 6/20?

4 A. Yes.

5 Q. What did he do?

6 A. Well during the 6/20 conversation at the Vac Shack he brought
7 up the concept of overwatch. And he specifically talked
8 about having snipers in hotels around the Capital, so they
9 could attack law enforcement when Adam Fox stormed the
10 Capital. He also brought up the tradecraft that the
11 Wolverine Watchman used as far as vetting members into the
12 group. How they actually purged the group and how they were
13 able to maintain operational security as a team.

14 Q. Anything else?

15 A. The only thing else that I can think of from the 6/20 Vac
16 Shack meeting was that following the meeting with Adam Fox,
17 I'm tired of talking about this, let's just do it.

18 Q. Give me some contexts for this.

19 A. Well the Wolverine Watchman when Paul Bellar was meeting with
20 Adam Fox as a representative of the Wolverine Watchman and
21 Adam Fox had talked about broadly speaking attacking the
22 Capital, the amount of operators, the amount of people that
23 he had. When Paul Bellar contributed his advice, on
24 tactically speaking how it could be done better and then
25 advice on tradecraft this is was a fairly far-reaching

1 discussion about how they were going to react in the Boogaloo
2 and when they were going to react. And at the end of the --
3 at that end of the conversation Paul Bellar he said he's just
4 tired about talk -- tired about talking and let's just do it.

5 Q. And what was the reference to it?

6 A. Well he could have meant the Boogaloo, but -- or he could've
7 meant the attack planning at --

8 MR. KIRKPATRICK: Objection, speculation he knows or
9 he doesn't.

10 THE WITNESS: -- the Capital.

11 THE COURT: I'm going to overrule that's in the same
12 conversation, you know it's one or the other, I think it has
13 relevance so, sustained. Go ahead.

14 BY MS. DODDAMANI:

15 Q. What's the it?

16 A. The it was either the attack planning of storming the Capital
17 with snipers or just generally speaking the Boogaloo getting
18 some attack planning going.

19 Q. Okay. Are there crimes that are based on speech? Do you
20 remember the line of questioning; let me take that question
21 back for a second. Do you remember the line of questioning
22 that Mr. Kirkpatrick asked you about -- about whether speech
23 can be a crime?

24 A. I do.

25 Q. Okay. And do you know of crimes in the State of Michigan

1 that are speech?

2 A. I do.

3 Q. What kind of crimes?

4 A. Well I'll list off several. There's terroristic threats,
5 there's false threats, there's use of a telecommunication
6 device, a malicious use of a telecommunication device.
7 There's ethnic intimidation, there's lying to a police
8 officer, or lying to an FBI agent, to name a few.

9 Q. Okay. So there's some instances where speech is not
10 protected under the First Amendment, but is in fact a crime,
11 is that correct?

12 A. That's correct.

13 Q. Okay. And I'm sorry; I know I'm jumping around here, hold
14 on. And to your knowledge communicating a terroristic
15 threat, a person who's communicating that to another person
16 doesn't have to intend to carry it out, isn't' that correct?

17 A. That's correct.

18 Q. It's also correct that they don't have the capability of
19 carrying it out, is that correct?

20 A. That's correct.

21 Q. And so that is a speech crime, is it not?

22 A. It is.

23 Q. Okay. There was a lot of talk and questions do you remember
24 about things that were going on the in the nation, Seattle,
25 Portland, things that are happening, violence that is

1 occurring during the summer of 2020, is that fair to say?

2 A. It is.

3 Q. All right. And citizens, there were questions to you about

4 citizens being concerned about an uprising and training for

5 that possibility, is that correct?

6 A. That's correct.

7 Q. Fair characterization?

8 A. Yes.

9 Q. Okay. Now what is -- what is a prepper?

10 A. A prepper is short dooms day prepper. It's basically

11 somebody who could be preparing for the apocalypse or any

12 particular natural disaster, generally speaking somebody

13 who's collecting beans and bullets, is kind of the phrase.

14 Q. Okay. And so are -- are preppers different, what we're

15 talking about here?

16 A. Absolutely.

17 Q. How?

18 A. Well in this case the Wolverine Watchman made fun of preppers

19 they called them fudds. They're people who were not training

20 tactically and basically taken the wrong pill; they didn't

21 have their eyes open to what was going to happen. In fact,

22 at the middle of the investigation, in March Pete Musico had

23 stated there's a prepper who lives down the road. And he was

24 a reloader and reloads ammunition. Pete talked about killing

25 him when the Boog started and taking all of his ammunition.

1 So a prepper was clearly was below Boogaloo Bois.

2 Q. Okay, all right. So do you remember a series of questions

3 about an IED that was built and attempted to be exploded in

4 the Wisconsin training that Paul Bellar attended?

5 A. I do.

6 Q. Okay. And there were questions about whether Mr. Bellar was

7 aware of that building, is that correct?

8 A. There were.

9 Q. And was he present when that was being built?

10 A. And he was.

11 Q. Okay. But when it was being attempted to be exploded that he

12 was in a vehicle with the doors shut, is that correct?

13 A. That's correct.

14 Q. And there was some testimony about some concerns he had about

15 kids getting hurt in the area?

16 A. That's correct. I heard him state that there were children

17 in the area and they BB's as shrapnel.

18 Q. Okay. And did he do anything to try to prevent the IED from

19 being tested or attempted to be blown up?

20 A. No, he just went into the vehicle and shut the door.

21 Q. Okay. Now there were some questions about how he wasn't

22 interested in explosives, is that correct?

23 A. That's correct.

24 Q. And then Pete Musico came up and some C4, there were some

25 questions about whether Pete Musico had C4 and how Mr. Bellar

1 didn't want anything to do with that, is that right?

2 A. Correct.

3 Q. Tell me what -- what is the situation with Pete Musico and
4 C4, give me some context for that?

5 A. Sure. So when our source Dan got into the watchman, they had
6 been talking about the explosives he had and how he passed
7 them around.

8 Q. Who is he?

9 A. Excuse me, Pete Musico. And how he had them, Pete at his
10 residence in Munith. At one of the trainings in April, May
11 timeframe Pete actually brought out a -- a cylinder, which he
12 described as C4 and he tossed it to the guys and they passed
13 it around. Made a lot of people uncomfortable, and Paul had
14 joked about, or I don't want to say joked, he -- he stated
15 that he was uncomfortable the first time Pete brought out his
16 C4. And one of the recordings Ty Garbin stated that he
17 thought it was actually nitroglycerin, and that caused
18 concern because if nitroglycerin isn't stored properly it
19 becomes unstable. So when you throw it around the guys were
20 nervous.

21 Q. Is it fair to say that Paul Bellar believed that Pete Musico
22 had explosives and was tossing it around the room?

23 A. That's correct.

24 Q. And he took that seriously, that Pete Musico was in
25 possession of C4, is that correct?

1 A. He did.

2 Q. And he believed that the item, that Pete Musico brought out

3 was in fact C4, is that correct?

4 A. That's correct.

5 Q. Did you know at that time whether that was C4 or not?

6 A. I did not?

7 Q. Did it concern you?

8 A. It did.

9 Q. This is the beginning of the investigation, is that correct?

10 A. That's correct, right off, right off the first training.

11 Q. You also, do you remember the line of questioning about Mr.

12 Bellar's phone? And who has custody of that?

13 A. I do.

14 Q. Okay. And what was your response to that?

15 A. I said that I thought MSP had custody.

16 Q. And why did you think that?

17 A. Because it was a state case, a state search warrant, and I

18 hadn't been involved in writing any federal paper for it.

19 Q. Did you learn something different after testimony yesterday

20 about that?

21 A. Yes, so after testimony I learned that MSP does not in fact

22 have custody of Paul Bellar's phone?

23 Q. Why did you think that and testify to it?

24 A. Oh, I -- it was my belief at the time that a search warrant

25 had been executed and they did have custody of his phone.

1 Q. Okay. Was Mr. Bellar arrested in a different state?

2 A. He was.

3 Q. And in what state?

4 A. He was arrested in South Carolina.

5 Q. And so custody of his phone was something that wasn't
6 happening in Michigan, is that correct?

7 A. That's correct.

8 Q. Okay, thank you. We talked a lot about how Mr. Bellar spoke
9 a lot about terroristic threats, is that correct?

10 A. That's correct.

11 Q. Okay. What are some of the things that Mr. Bellar's speech
12 affected the conic of government, meaning did you have to
13 take any measures as a result of Mr. Bellar's speech to --
14 for law enforcement?

15 A. Sure.

16 Q. Tell me about those.

17 A. First off one of the things we did, which I previously
18 testified about was he created an ad hoc task force to be
19 able to track and communicate as Mr. Bellar traveled across
20 the country with the Wolverine Watchman. And he was one of
21 the ones we were worried most about attacking law enforcement
22 in Wisconsin and at the Home Depot in Genesee County. Kind of
23 stepping through all the things we did that caused us
24 concern. On May 3rd during the gun buy at Home Depot I was
25 concerned that any responding law enforcement officers might

1 encounter Paul Bellar unsuspectingly and he said he was going
2 to engage them and then shoot them. So I contacted the
3 Genesee County emergency dispatch and asked them to refrain
4 from dispatching vehicles in that area to avoid a -- a
5 conflict.

6 MR. KIRKPATRICK: Your Honor, this has all been
7 asked and answered. I -- I understand this is re-direct, I'm
8 just trying to speed things around a little it. But this is
9 again identical testimony on direct examination that I
10 crossed him on. If there is a discrepancy in my cross I
11 would understand the People going back after that discrepancy
12 but this is exactly what he testified to yesterday, your
13 Honor.

14 THE COURT: How does this move the ball? I -- I
15 mean it is re-direct, but it's kind of a repetition I think
16 of maybe some undisputed testimony.

17 MS. DODDAMANI: Okay judge.

18 THE COURT: Okay.

19 MS. DODDAMANI: I'm -- I'm going to move along.

20 BY MS. DODDAMANI:

21 Q. Let's talk about Paul Bellar leaving the state.

22 A. Sure.

23 Q. What were the circumstances that he had to leave the state?
24 There was a string of things that Mr. Kirkpatrick asked you
25 about yesterday, about money, he was going to get an put in

1 savings accounts, and how he was going to start fresh in
2 South Carolina, is that correct?

3 A. That's correct.

4 Q. So Mr. Bellar was actually evicted, is that correct?

5 A. That's correct.

6 Q. Okay. And so he left the state, right?

7 A. Yes.

8 Q. And when he left the state did he completely disassociate
9 himself with the Wolverine Watchman?

10 A. No he did not.

11 Q. Okay. What did he do?

12 A. Well he remained on the QRF Chat at the time, but he had
13 renamed it the bonfire chat in accordance with his code
14 words. He remained in contact with the Wolverine Watchman,
15 and he posted pictures of his tactical gear and his set up in
16 South Carolina. He sent a photograph of his ballistic armor
17 with an American Flag hung upside down as a distress signal
18 from South Carolina. And then later on August 18th he advised
19 the Wolverine Watchman leadership through the chat that he
20 was still part of that he believed he'd been compromised by
21 law enforcement.

22 Q. Okay. So let's stop for a second there. We talked yesterday
23 about how you recovered a bunch of items from his apartment,
24 is that correct?

25 A. That's correct.

1 Q. Okay. And during that time there, Mr. Bellar was gone from
2 the state, is that correct?

3 A. He had just left, yes.

4 Q. So when you just testified about how Mr. Bellar warned the
5 group about being compromised, is that what you're referring
6 to?

7 A. Yes.

8 Q. Tell me about that?

9 A. So on August 18th Paul Bellar advised the Wolverine Watchman
10 leadership that local law enforcement had interviewed his
11 roommate and they were asking questions about the Boogaloo
12 and code words found in his residence.

13 Q. What was he advising the group about?

14 A. He was advising them that law enforcement somehow knew enough
15 to ask questions about code words and enough, knew enough
16 about him and his involvement in the Boogaloo to a --, to ask
17 about it. And then potentially the group itself was
18 compromised with a mole on the inside.

19 Q. And what was the reaction from the group?

20 A. They were extremely upset, they were panicked, they talked
21 about a number of different operational security concerns
22 they could do.

23 Q. Like what?

24 A. They talked about re-vetting the entire group, which they did
25 and then they changed to Threema, the different encrypted app

1 and then ultimately Paul Bellar told them that he was going
2 to be laying low until the situation resolved itself.

3 Q. And what situation?

4 A. The, -- the situation of law enforcement being aware of their
5 presence.

6 Q. So he gave the group a heads up that hey law enforcement
7 might know what's going on here?

8 A. Correct.

9 Q. And what was that warnings purpose?

10 A. The warnings purpose was to let the other members of the
11 Wolverine Watchman know so they could change their
12 operational security techniques.

13 Q. And did they do that?

14 A. They did.

15 Q. And was there some sort of a security meeting as a result of
16 this warning by Mr. Bellar?

17 A. There was.

18 Q. Tell me about that?

19 A. Well on August 23rd, 2020 there was a security meeting at Dan
20 Harris's residence in which all Wolverine Watchman members
21 had to bring personal identification information such as
22 their lease, their paycheck, stuff to prove they are who they
23 are to the group.

24 Q. So this is -- so Mr. Kirkpatrick asked you a bunch of
25 questions about how people were concerned in the group that

1 Mr. Bellar was an informant, is that correct?

2 A. He did.

3 Q. And he showed you some documents this morning to ask you
4 about other people potentially worried that Mr. Bellar was a
5 fed, and informant, is that correct?

6 A. Correct.

7 Q. Explain this to me?

8 A. Sure. So while the bonfire chat was making operational
9 security decisions and meeting at Dan Harris's house Paul
10 Bellar offered to come and verify who he was to the group
11 during Labor Day weekend when he was coming back to Michigan.
12 Pete Musico was not a member of the bonfire chat heard that -
13 - heard through the grapevine or in some capacity through the
14 chats what was going on.

15 MR. JOHNSON: Objection your Honor, I would object
16 that this is speculation as to how Mr. Musico got knowledge
17 of this if he doesn't know.

18 MS. DODDAMANI: I think he was just going to explain
19 that.

20 THE COURT: Why don't you re-ask the question, if he
21 doesn't know he can't testify to it.

22 BY MS. DODDAMANI:

23 Q. What was the situation here about whether people thought he
24 was an informant or not, that was my original question?

25 A. So based on the report I previously read which was a source

1 report from Pete Music -- excuse me between Pete Musico and
2 my source Dan on Facebook. I'm aware of Pete's speculation
3 that Paul may be an informant. I'm also aware that the group
4 was discussing with Paul how to deal with the problem, and
5 had come up with a plan to vet out and determine who the
6 informant was and to change their operational security. So
7 there was a lot going on as far as speculation on who the
8 informants were.

9 Q. Mm-hmm.

10 A. And the group talked about many different people that could
11 be informants. So Pete Musico was not part of that bonfire
12 chat in which the operational security concerns had been
13 vetted out.

14 Q. Okay. But Mr. Kirkpatrick showed you some documents this
15 morning, can you clarify what that was about?

16 A. So those were documents in which Pete Musico was challenging
17 Dan, our source, to determine if he was a fed and he offered
18 that because Paul had vouched for Dan perhaps Paul was an
19 informant. I'm aware that on the trip to Wisconsin Paul
20 Bellar told our informant that Pete Musico had already asked
21 a few weeks ago and vetted out to determine that Dan was not
22 a fed and they laughed about it and Paul stated he'd vouched
23 for Dan.

24 Q. Is -- is there a lot of suspicion among Pete Musico or Joe
25 Morrison about government infiltration into their group?

1 A. Yeah, so it wasn't just, this isn't a singular occurrence. I
2 think the common theme and thread amongst all these is its
3 considered inevitable that there is a fed, and in fact at the
4 beginning of the investigation in March Paul Bellar had
5 provided screen captures of the conversations he had with
6 another militia leader, Lee Miracle in which he was advised
7 how to vet out federal informants from a group for
8 operational security. And so that was something that Paul
9 brought up multiple times to the Wolverine Watchman including
10 on the trip to Wisconsin and they talked about numerous other
11 individuals in the group who may be feds and I -- I guess it
12 was just commonplace.

13 Q. Okay. Thank you for that. And there was a series of
14 questions about how once Mr. Bellar left the state that he
15 left Wolverine Watchman. But there was a rift that had grown
16 between him and Joe Morrison in late June. Do you remember
17 being asked those questions?

18 A. I do.

19 Q. Okay. And you -- you testified you were aware of that riff,
20 is that correct?

21 A. I was.

22 Q. And you were asked a follow up question did he continue with
23 the Wolverine Watchman after then, is that correct?

24 A. That's correct.

25 Q. And in your opinion did he continue with the Wolverine

1 Watchman after then and how?

2 A. Sure. Well first off, he attended Wisconsin, well excuse me.
3 Prior to Wisconsin, he hosted a security meeting at this
4 residence in which he passed out code words and initiated
5 operational security concerns for the Wolverine Watchman.
6 Shortly then after that in July 10th-12th he attended the
7 training in Wisconsin as a representative of the Wolverine
8 Watchman where he addressed the Wisconsin Three Percenters
9 and provided a description of the tradecraft the Wolverine
10 Watchman used and how they trained. Beyond that once he did
11 in fact leave the state, excuse me before I move to the --
12 beyond Wisconsin I -- I did -- I do recall hearing the
13 statement he made in the car to our informant in Wisconsin
14 saying that he was going to apologize to Joe and patch things
15 up. I know his relationship with Joe and his status always
16 had drama throughout the group and a -- but his actions spoke
17 for themselves as far as representing the Wolverine Watchman.

18 Q. Even though this riff had occurred after Adam Fox attended
19 the training and there was some big blow up about a
20 girlfriend coming to the training, he continued communicating
21 with the group, actively engaging with the group, is that
22 correct?

23 A. That's correct.

24 Q. Even after he left the state because he gave them the heads
25 up and that warning, right?

1 A. That's correct.

2 Q. Okay. I'm sorry, just give me one second. Do you remember

3 being shown the picture of the drilled-out suppressor I'm, --

4 I'm sorry, the suppressor, not drilled out? Let me rephrase

5 that, strike that, that question. Do you remember being

6 shown Peoples, I'm sorry not Peoples. It's defendants

7 exhibit Bellar two?

8 A. I do.

9 Q. Okay. And I'm holding it up for you right now, you can see

10 it?

11 A. I can.

12 Q. Okay. Do you know when this picture was taken?

13 A. I do not.

14 Q. Okay. And this picture purports to show that the -- this oil

15 filter at the end of this gun was not drilled out, is that

16 correct?

17 A. That's what was reported to me by the defense counselor.

18 Q. Okay. Now you don't know if this is a picture of a job

19 that's just not finished do you?

20 A. I don't.

21 Q. You don't know when this picture was taken?

22 A. I have no context.

23 Q. You, you don't know whether it was actually drilled out after

24 this picture, is that correct?

25 A. Correct.

1 Q. Okay, thank you. All right. I'm going to shift to Mr.
2 Morrison, okay?

3 A. Okay.

4 MR. KIRKPATRICK: Your Honor what; what I would
5 respectfully request is maybe I do my re-cross and then move
6 to the next and the next. I think we could probably be a
7 here for a long time if we keep going down. What, whatever
8 the Court orders I'm certainly.

9 THE COURT: Yeah. Yeah, no, no.

10 MS. DODDAMANI: Some of these issues catch another
11 issue you know what I mean with people.

12 THE COURT: Yes I -- I -- I think it's probably,
13 well your -- your suggestion -- your suggestion makes sense,
14 but I think that these folks to some, you know to some
15 greater degree, everything's intertwined and I think that a
16 you may end up getting some additional fodder for a re-cross.

17 MR. KIRKPATRICK: Very well, your Honor.

18 THE COURT: That -- that makes sense and I -- I
19 appreciate the suggestion. So we're going onto Mr. Morrison.

20 MS. DODDAMANI: Yes, thank you judge.

21 THE COURT: Okay. And I do appreciate you're doing
22 it by --

23 MS. DODDAMANI: I'm trying to keep it organized
24 judge.

25 BY MS. DODDAMANI:

1 Q. All right let's talk about some of the questions that Mr.
2 Somberg asked you about, okay?
3 A. Okay.
4 Q. And this was this morning. Let me ask you, there was a lot
5 of questions about do you remember and recall that there were
6 a lot of questions about things that were legal and not
7 legal, is that correct?
8 A. I do.
9 Q. Being on Wire, legal right?
10 A. Definitely a lot of questions about that.
11 Q. Okay.
12 A. Yes being on the Wire is legal.
13 Q. All right. Various things that were legal to do, is that
14 correct?
15 A. Yes.
16 Q. Okay. Is it fair to say that if you do something that --
17 that you started in a protected thing that you can do, but it
18 can change into an illegal thing, like speech as we discussed
19 earlier?
20 A. That's correct.
21 Q. Okay. Did you open investigations into these three
22 individuals because of the memes?
23 A. No.
24 Q. Why did you open investigations into these three individuals?
25 A. Because we had a -- a violent threat, a violent ideology and

1 potential violations of law?

2 Q. Like what?

3 A. Like material support for terrorism or kidnapping charges.

4 There was also potential gun charges, there was drug use
5 while they had firearms in their possession and then of
6 course a variety of different state and federal terroristic
7 threats.

8 Q. Okay. Now there was some questioning about whether Joe
9 Morrison was aware of the kidnapping plot, the governors
10 kidnapping plot in August, do you remember those questions?

11 A. I do.

12 Q. Okay. Now what, did Joe Morrison have awareness of other
13 plots that were happening aside from the governors kidnapping
14 plot before August?

15 A. Yes.

16 Q. What specific plots?

17 A. Well Joe Morrison was aware of Pete's three plan to kidnap
18 politicians and law enforcement officers from their homes.
19 He was also aware of the plan to storm the Capital.

20 Q. And again these plans didn't come to fruition, is that
21 correct?

22 A. That's correct.

23 Q. Okay. But is it your testimony that Joe Morrison provided
24 material support for those plans?

25 A. He did.

1 Q. Even if they didn't come to fruition?

2 A. That's correct.

3 Q. And what support did he provide?

4 A. Joe Morrison provided a training facility, he recruited, he

5 radicalized, and he acted as a facilitator for those plans.

6 Q. Okay. And their were questions about OPSEC, and what that

7 meant correct?

8 A. Correct.

9 Q. We talked about operational security here in details, is that

10 correct?

11 A. Correct.

12 Q. Okay. And doesn't operational security sort of pre-suppose

13 that there is an operation going on?

14 A. Correct.

15 Q. So Mr. Somber asked you a lot of questions about how it's

16 great OPSEC to not post on Facebook where you're going on

17 vacation, right?

18 A. Yes.

19 Q. How is that different?

20 A. Well when you go on vacation it's not an operation, that's

21 just your everyday life. So normal people don't refer to

22 OPSEC, what -- we call that as tradecraft.

23 Q. Okay. So does it have anything to do with privacy issues and

24 things like that or is -- did Joe Morrison practice OPSEC for

25 these plans to commit politically motivated violence?

1 A. So Joe Morrison did practice OPSEC, and he used tradecraft to
2 hide his plans for politically motivated violence.

3 Q. Okay. And Mr. Somberg asked a lot of questions about the
4 Boogaloo and how you know the concept didn't exist eight to
5 ten years ago right?

6 A. That's correct.

7 Q. Okay. He talked to you and asked you questions about how you
8 know sort of a silly word isn't it?

9 A. Yes.

10 Q. Okay. And that namely it's used in satire, is that correct?

11 A. Yes.

12 Q. And he asked you a lot of questions about satire and it being
13 kind of funny and involved in memes, is that correct?

14 A. Yes.

15 Q. And you said yes to all of those things, right?

16 A. Yes.

17 Q. Is that how Wolverine Watchman and these three individuals in
18 the courtroom were using that term?

19 A. No.

20 Q. Tell me why not?

21 A. Well Wolverine Watchman were using the Boogaloo for a civil
22 war, meaning everything that comes with war. Violence, dying
23 and preparation and fighting against an enemy by any means
24 necessary.

25 Q. Okay. Is it fair to say that there are sort of like

1 different flavors of the Boogaloo I guess?

2 A. Sure.

3 Q. Different iterations of it like Mr. Somberg said it means
4 different things to different people, right?

5 A. Well as much as war can mean different things to different
6 people, the Boogaloo can mean different things to different
7 people.

8 Q. Okay. But do all the iterations of the Boogaloo, all the
9 flavors let's say of the Boogaloo include politically
10 motivated violence?

11 A. Yes, there's no way to remove violence, politically motivated
12 violence from the concept of the Boogaloo.

13 Q. It always mean violence, isn't that correct?

14 A. That's correct.

15 Q. Its just a matter of when isn't it?

16 A. Yes.

17 Q. And what did Joe Moore (sic) -- do you know what Joe Morrison
18 knew the Boogaloo to be?

19 A. I do.

20 Q. How do you know that?

21 A. Well he told us, he looked up the term Boogaloo and had the
22 definition on his Facebook account. And then he used
23 Boogaloo as propaganda throughout the entire leadership of
24 the Wolverine Watchman. In addition to that you know we've
25 got a recording that was played for the Court in which he

1 stated he knew when asked by Pete Musico, he said I'm dumb, I
2 know what it is.

3 Q. Okay. And in fact one of these

4 MR. SOMBERG: Objection to that, mischaracterization
5 as to what my client said in exhibit twenty-one.

6 MS. DODDAMANI: Right. He said I'm not stupid.

7 MR. SOMBERG: But you're only regarding the
8 Boogaloo?

9 MS. DODDAMANI: Well that could be your argument,
10 but I -- the audio, those are actual quotes from the audio.

11 BY MS. DODDAMANI:

12 Q. Isn't that the quote from the audio?

13 A. Yes.

14 Q. What's the quote from the audio?

15 A. Joe Morrison said yes I know, I'm not stupid.

16 Q. Okay.

17 THE COURT: We can on re-cross if there's an issue
18 there.

19 MR. SOMBERG: Yes, your Honor.

20 THE COURT: We can, we can certainly play again.

21 BY MS. DODDAMANI:

22 Q. And in fact this reference you're making here to Joe Morrison
23 having looked up the definition of Boogaloo is one of our
24 exhibits, is that correct?

25 A. That's correct.

1 Q. And that was entered into evidence, is that correct?

2 A. Yes.

3 MS. DODDAMANI: You don't have to show that, I just
4 wanted -- I wanted it for the record, thank you so much.

5 BY MS. DODDAMANI:

6 Q. And Mr. Somberg asked you, you know questions about you're
7 allowed to be mean and nasty and say terrible things, isn't
8 that right?

9 A. Yes.

10 Q. It's all protected by the First Amendment, right?

11 A. Yes.

12 Q. How would what Joe Morrison say different from that?

13 A. Well Joe Morrison was saying mean and nasty things to recruit
14 others for political violence and inspire his followers. And
15 Joe Morrison was in fact planning and hosting training for
16 political violence. So he was doing overt actions in
17 furtherance of the threats he was making online.

18 Q. And that was exhibit four G, is that correct Agent Impola?

19 A. I'll refer to it here.

20 Q. The one I was referencing a question ago, just for the
21 record?

22 A. Yes, four G is time for Boogaloo, which is found on Joe
23 Morrison's Facebook page profile.

24 Q. You made reference before to Joe Morrison being a marine, is
25 that correct?

1 A. He is a marine or he was, he's no longer in active duty.

2 Q. Okay. So when he is training with individuals and hosting

3 trainings at his house how is being a marine helpful?

4 A. Well it provides him respect in a level of bona fides as he

5 was a -- a marine reserve member so it, it allowed him to

6 demand respect as a leader of the group.

7 Q. In addition to respect doesn't he already have some tactical

8 training?

9 A. He does.

10 Q. Okay. or Agent Impola I'm going to refer you to exhibit

11 seventeen, okay?

12 A. Okay. I've got it in front of me.

13 Q. Thank you. So Mr. Somberg asked you some questions about

14 whether Joe Morrison's knowledge of the topics discussed in

15 Dublin Ohio on June 3rd. Do you remember that series of

16 questions?

17 A. I do.

18 Q. Okay. And do you remember that in the series of questions he

19 asked for, or he stated that Joe Morrison did not have

20 knowledge of topics that were discussed in the June Dublin

21 Ohio meeting.

22 A. I remember that.

23 Q. I'm showing you exhibit seventeen and Mr. Morrison had enough

24 knowledge about what happened in that meeting to know that it

25 went well, is that correct?

1 A. Correct.

2 Q. He enough knowledge of that meeting to know that this was
3 real deal, get shit done MFer's correct?

4 A. That's correct.

5 Q. As stated in this exhibit, is that right?

6 A. Yes.

7 Q. Okay. Please refer to nineteen that's already been admitted
8 and Joe Morrison had enough knowledge about what was
9 happening in Ohio at that Dublin meeting to know that what
10 they were talking about was going to be bigger than Seattle
11 according to this exhibit, correct?

12 A. That's correct.

13 Q. And he had enough knowledge to know what was going on in Ohio
14 that he knew that this is the real shit I was talking about,
15 is that correct?

16 A. That's Correct.

17 Q. All right. And he had enough knowledge about what was going
18 on in Ohio to know that it's about a plan to get the state
19 groups on one solid plan, isn't that correct?

20 A. That's Correct.

21 Q. Okay.

22 MS. DODDAMANI: Okay. And so now judge with that
23 foundation on all of these things, I'm going to ask Agent
24 Impola questions related to what were the topics that were
25 covered in Dublin Ohio.

THE WITNESS: Sure. So Dublin Ohio was a meeting that was led by Barry Croft. The concept of the meeting was that it was a historic summit for the refounding of the United States, and that the militia leaders present would be looked upon as founding fathers following the Second American Revolution. So at the meeting in Dublin Ohio Barry Croft brought up a number of different attack plans and they described how tyrant governors need to be taken down across the United States. Adam Fox brought up Governor Whitmer and Barry Croft and Adam Fox agreed that Governor Whitmer was a tyrant. They discussed storming the Capital in Michigan during the protest, and Barry Croft stated that because he needed to get the public behind them he was willing to kill FBI agents, and police officers, and he wanted to put on their uniforms and kill citizens or other law enforcement officers in order to create distrust in the public between law enforcement and the citizens they're supposed to protect. So Adam Fox at the meeting, was at the meeting with Bill Null and his girlfriend Amanda Keller as representatives from Michigan. And following the meeting Adam was named by Barry Croft as the leader of the Michigan Regiment, of the Second Continental Army and the plan was to recruit other like minded individuals for the purpose of phase two which would be specific attack planning at a later date. Which ended up being in Dublin Ohio.

1 Q. Following this meeting that Joe Morrison and Adam Fox started
2 to get together, is that correct?

3 A. That's correct.

4 Q. And in a series of phone calls and meetings before Adam Fox
5 shows up at training on 6-28, is that correct?

6 A. That's correct.

7 Q. Okay. And at that, hold on, just a second. So there was a
8 lot questioning you remember today and throughout the day
9 about whether Dan the source was driving Adam Fox and
10 Wolverine Watchman together. Is that, is that correct or is
11 that wrong?

12 A. That's wrong.

13 Q. Why?

14 A. Well Dan was not in Dublin Ohio and Dan was not a member,
15 well excuse me. Adam Fox was not a member of the Wolverine
16 Watchman. Adam Fox was not under the control of Dan or the
17 FBI. Adam Fox had his own plans and was following his own
18 commander Barry Croft, which was outside the jurisdiction and
19 reach of the Wolverine Watchman as well as the FBI.

20 Q. After this meeting did Adam Fox reach out to Dan the source
21 or did he reach out to Joe Morrison?

22 A. He reached out to Joe Morrison.

23 Q. Why Joe Morrison?

24 A. Joe Morrison had credibility on the national level through
25 all of his national contacts as the leader of the Wolverine

1 Watchman.

2 MR. SOMBERG: I object to that -- that question
3 calls for speculation.

4 THE COURT: I'll sustain that.

5 BY MS. DODDAMANI:

6 Q. It's not Dan that brought Adam into the group is it?

7 A. No, it's not.

8 Q. Who brought him into the group?

9 A. Joe Morrison.

10 Q. And there were some questions today about whether who exactly
11 invited Adam Fox to come train on 6-28. Do you remember all
12 those questions?

13 A. I do.

14 Q. A lot of confusion, there was like a -- a call played, you
15 talked about how that was the second part of a call, is that
16 correct?

17 A. That's correct.

18 Q. Okay. Clarify that situation for us?

19 A. All that communication and discussion was the planning and
20 logistics among the Wolverine Watchman prior to the training.
21 Ultimately, Joe had the final call and Adam would not be
22 allowed to show up at his house unless Joe allowed it to
23 happen. So on June 26th when Joe and his wife met with Amanda
24 Keller and Adam Fox, and went to dinner. Joe made his own
25 determinations at that time and allowed Adam to come to

1 training following that event.

2 Q. And at this point he knew that Adam Fox was interested in

3 storming the Capital, is that correct?

4 A. That's correct.

5 Q. And at this point, he knew that Adam Fox had plans for

6 politically motivated violence, is that correct?

7 A. That's correct.

8 Q. And he allowed him to come to training anyway, is that

9 correct?

10 A. That's correct.

11 Q. And in fact, Pete Musico was involved in the invitation for

12 Adam Fox to come to that training on 6-28 wasn't he?

13 A. He was.

14 Q. How?

15 A. Well on 6-22 Pete Musico called our source Dan in a recorded

16 phone call and stated he thought Adam Fox was a valued asset

17 and he asked what Dan thought and he stated that he thought

18 he was going to be inviting Adam Fox to training.

19 Q. Wasn't it Pete Musico's suggesting for asking Dan in that

20 phone call whether he should invite Adam Fox to training?

21 A. Yes.

22 Q. All right. Let's talk about instructing in training, let's

23 talk about how Dan the source was involved in instructing

24 tactics to members of the Wolverine Watchman and to these

25 three individuals here, okay? Let me ask you about what your

1 instructions were hint to, I'm sorry strike that question, be
2 a little more artful. What were your instructions to Dan
3 about training Wolverine Watchman? Weren't you worried that
4 Wolverine Watchman were going to be trained up to go and
5 actually carry out one of these.

6 MR. KIRKPATRICK: Objection, leading. I've let a
7 lot of leading go judge. But she's basically testifying for
8 him.

9 MS. DODDAMANI: I can rephrase the question judge; I
10 don't have a problem with that.

11 THE COURT: Sustained with an extra umff (sic), so
12 go ahead.

13 MS. DODDAMANI: Thank you.

14 BY MS. DODDAMANI:

15 Q. Let me ask you, what were your instructions to Dan about his
16 involvement in training and attacks?

17 A. So our instructions to Dan were to only provide training on
18 non-sensitive things that the Wolverine Watchman could find
19 on YouTube. Things that were publicly available, nothing
20 that could be used to actually carry out an attack without
21 our knowledge. In other words I didn't want to be
22 responsible for providing tactics that could be used that
23 weren't, that were law enforcement sensitive tactics that
24 could be used by the group to further their mission. In
25 fact, to go a little bit further on that often times --

1 MR. KIRKPATRICK: Objection, non-responsive.

2 THE COURT: Why don't you ask a question, I -- I
3 thought you were kind of.--

4 THE WITNESS: Sorry.

5 THE COURT: Rattling on.

6 BY MS. DODDAMANI:

7 Q. Did you have anything further to say about that?

8 A. Yes. One of the things I was going to add was that often
9 times we actually took measures to try to slow down the
10 training or use dry fire techniques or I'll go back to the
11 basics instead of being more specific. So that members of
12 the Wolverine Watchman didn't get hurt, and people were
13 obtaining a basic proficiency during a dangerous scenarios.

14 MS. DODDAMANI: Sorry, just one second. Okay. I'm
15 going to move on judge to questions about Mr. Musico.

16 THE COURT: Okay.

17 BY MS. DODDAMANI:

18 Q. Remember the line of questioning several times that Mr.
19 Johnson asked you about whether Pete Musico was ever in any
20 months of this investigation an administrator of the Facebook
21 page?

22 A. I remember.

23 Q. Okay. And your response about that was how he was never an
24 administrator of the Facebook page, is that correct?

25 A. That's correct.

1 Q. But you kept calling him a leader, isn't that correct?

2 A. That's correct.

3 Q. What do you mean by that?

4 A. Well I mean because of his age and where he lived and his
5 knowledge he acted as a leader. The guys looked up to him
6 and he was able to command the room and provide direction.

7 MR. JOHNSON: Well objection, I'd ask for a
8 foundation to the guys that looked up to him, partial, a
9 portion of that, your Honor.

10 MS. DODDAMANI: I can -- I can ask the question

11 THE COURT: Can you lay a foundation on that?

12 BY MS. DODDAMANI:

13 Q. How do you know that?

14 A. So based on live monitoring of conversations and then the
15 chats between Pete Musico and the rest of the Wolverine
16 Watchman.

17 Q. How did he contribute then as a leader?

18 A. Well he talked about his past experiences. He talked about,
19 he talked about making mistakes in the past and he talked
20 about how he believed tyranny would happen. And he talked
21 about how as the oldest member of the group he had the least
22 to loose and that if he could kick off the Boogaloo and be a
23 martyr for the group that's all he was looking for. As long
24 as he could be the spark to start the revolution.

25 Q. Do you remember being asked about whether you started this

1 investigation based on a bunch of memes?

2 A. I do.

3 Q. Okay. And you talked and testified about sayings and Mr.
4 Johnson's asking you questions about how the FBI had
5 predication requirement?

6 A. That's correct.

7 Q. What does that mean?

8 A. That means that we have legal requirements or investigative
9 guidelines, which stem from attorney general guidelines
10 regulating what tools we can use and how we investigate. So
11 it means that --

12 Q. What does that mean in relation to this case?

13 A. Well it means in this case that we have to insure that we're
14 not violating any civil rights and that Freedom of Speech is
15 not the only thing we're investigating. That we're
16 investigation violations of law and threats to national
17 security.

18 Q. So you have guidelines within your organization to prevent
19 you from investigating pure speech alone, is that correct?

20 A. That's correct.

21 Q. And, and then there was questions about Mr. Musico and this
22 C4, is that correct?

23 A. That's correct.

24 Q. Okay. And there were questions that once the -- once he was
25 arrested that the FBI learned that his C4 was not active, is

1 that correct?

2 A. That's correct.

3 Q. All right. That means it can't blow up?

4 A. That's correct.

5 Q. Okay. And at the time you started this investigation was one

6 of the reasons you started it based on that kind of stuff?

7 A. Yes.

8 Q. And at that time did you know that it wasn't real?

9 A. I did not.

10 Q. And in fact did other members of the group believe it was

11 real?

12 A. Yes.

13 Q. Throughout the course of the investigation until arrest,

14 isn't that correct?

15 A. That's correct.

16 Q. And so you have a guy who says that he's got C4 and booby

17 traps all over the-- the land, is that one of the things you

18 took into account when you open an investigation?

19 A. Yes.

20 Q. Is that more than just talk to you at the time?

21 A. Yes, it was.

22 Q. Sorry, give me one more minute. Okay. There were a lot

23 questions about whether Pete Musico was positioning himself

24 to be the face of the movement, is that correct?

25 A. Correct.

1 Q. What does that mean the hearts and minds references you've
2 made over the course of your testimony and Pete Musico?

3 A. Well at the beginning of the case after Pete had been
4 publicly photographed in front of the Capital he called
5 himself and appreciated, and others called him the face of
6 the movement. By the end of the case in September as the
7 Wolverine Watchman had lost some operators, and had provided
8 operators to Adam Fox for the plot to kidnap the governor
9 Pete decided that he would again be the face of the movement
10 and that those operators would be a shadow group who would
11 operate outside of the public eye, and that he could re-
12 engage and when violence happened they would both have
13 separate rolls.

14 Q. Okay. So let me -- let me break that down for a minute. Was
15 there a call where Pete Musico was talking about the other
16 group, the operators of the kidnapping plot?

17 A. There was on September 3rd, 2020.

18 Q. Okay. So much after July when he was kind of in Alabama,
19 much after a training he missed in August, this is a call in
20 September, is that correct?

21 A. That's correct.

22 Q. Okay. And in this call does he talk about the members that
23 broke away from the Wolverine Watchman?

24 A. He does.

25 Q. Does he talk about that with Dan?

1 A. He does.

2 Q. Okay. And in that -- is that -- that is a recorded call, is
3 that correct?

4 A. It is.

5 Q. Okay. How does he refer to those -- that group, what does he
6 say about that group?

7 MR. JOHNSON: Your Honor, I would object, this is
8 outside the scope of cross-examination.

9 MS. DODDAMANI: Well there's been a -- there's been
10 a lot of that judge and I think you've mentioned before that
11 if we -- you know there is an implication here that Pete
12 Musico is gone, he's out and what I'm trying to do is clarify
13 whether that's true or not.

14 THE COURT: The -- the cross exam -- the cross
15 examination did spend an extensive amount of time distancing
16 Mr. Musico from an active role in the Wolverine Watchman. I
17 think this re-direct is appropriate to rebut, potentially
18 rebut or provide additional information as to the accuracy of
19 the -- of the points made on cross-examination. So I will
20 allow the line of questions.

21 MS. DODDAMANI; Thank you.

22 BY MS. DODDAMANI:

23 Q. So what did he say about the other group in relation to
24 himself?

25 A. Well he said that he was one of the founding members who

1 started the group and that they were there because of him.

2 Q. Which group is he referring to?

3 A. He's referring to the shadow group, which is the operators

4 that had left the Wolverine Watchman with Adam Fox to further

5 the plot to kidnap the governor.

6 Q. Was he taking credit for the shadow group or saying that they

7 were still a part of Wolverine Watchman, what was he doing?

8 A. Yes, he was taking credit for them and he said that they were

9 a result of him.

10 Q. Okay. And what -- how -- how were they a result of him?

11 A. Because he started the Wolverine Watchman and those operators

12 came from the Wolverine Watchman.

13 Q. So what did he see his role in September in this call, what

14 did he see his role as?

15 A. He saw his role was to be a face of the movement.

16 Q. What's that mean face of the movement?

17 A. Well that means that he's going to be the one in the public

18 eye, the one who's out protesting, wearing Hawaiian shirt,

19 somebody who is not actually engaged in violence himself and

20 who is portraying the public face of the Boogaloo.

21 Q. Winning the hearts and minds of people?

22 A. Absolutely.

23 Q. Why would you need to win the hearts and minds of the people?

24 A. Well as Pete explained it if you don't you're just a

25 terrorist.

1 Q. Okay. What about the shadow group, if he was doing the
2 public face stuff what was -- what did he -- what did he say
3 about the shadow group?

4 A. Well the shadow group would be the operators; those would be
5 the ones who could be the terrorists.

6 Q. And would the two groups, the face of the movement and the
7 operator's still (indiscernible) in some way?

8 A. Well they had to be separate now.

9 Q. Did he try to coordinate with them in any way?

10 A. Well he complained a little bit about Adam Fox's
11 communication and he said they did need better communication
12 although they'd be separate groups with different missions.
13 He was hoping that Adam Fox would communicate with him a
14 little better so he knew what was going on.

15 Q. And this is all the way into September, is that correct?

16 A. That's correct.

17 Q. So when Pete Musico didn't attend the second training that
18 Adam Fox went to at the Munith property it's not because he
19 was out and no longer talking to Adam Fox, is that correct?

20 A. That's correct.

21 Q. You, do you remember being asked some questions by Mr.
22 Johnson about, about, there was -- there was a question that
23 Mr. Johnson asked where you had replied that Pete often said
24 that he needed to be right when they did it. What did that
25 mean, what was that, what's the context of that?

1 A. Well he used it many times as -- as the plots evolved.
2 Initially when they were talking about storming the Capital
3 he -- he wanted to be justified and that's why he wanted MSP
4 to put hands on him. Later when he talked about finding a
5 Boog judge to swear out a warrant. He wanted to make sure
6 that everybody knew he tried to do the right thing. And then
7 finally when he talked about winning the hearts and minds he,
8 he talked about wanting the public to know that he was
9 justified and that was the last statement and it was their
10 last option.

11 Q. Okay. And you talked about the training on 6-28 and Pete
12 issuing an ultimatum, is that -- is that what you testified
13 to?

14 A. I did.

15 Q. What was that ultimatum again?

16 A. The ultimatum was that if you weren't, if you weren't willing
17 to attack politicians you need to get out of the group.

18 Q. And in fact after that some people did leave the group, is
19 that correct?

20 A. That's correct.

21 Q. Do you remember who?

22 A. Yes, I do.

23 Q. Okay. And how many left the group after that?

24 A. I'd say a -- a handful, less, five or under.

25 Q. And in fact did Pete Musico also -- you -- you talked about

his relationship with Barry Croft?

2 | A. Yes.

3 Q. Is that correct? Did -- how long did that relationship last
4 or can you characterize that relationship in that late part,
5 like September, October time? Is he still in touch with
6 Barry Croft?

7 A. He was. So according to phone records he was saved in Barry
8 Crofts phone and he was in contact with Barry Croft through
9 September and into October I believe.

10 Q. Thank you.

11 MS. DODDAMANI: Okay, thank you. That's all --
12 that's all I have judge.

13 MR. KIRKPATRICK; Your Honor can we take break
14 before I start because I'm going to be a minute, your Honor.

15 THE COURT: Yeah that, that's fine, lets a comeback
16 at about ten after three.

17 MS. DODDAMANI: Thank you, judge.

18 || (At 2:52 p.m., recess)

19 (At 3:11 p.m., back on the record)

20 THE COURT: We'll continue, go ahead Mr.
21 Kirkpatrick.

RE-CROSS EXAMINATION

23 BY MR. KIRKPATRICK;

24 Q. Agent Impola, Impola, I just have a few questions for you.

When you started off your testimony, your re-direct you; you

1 started talking about the storming of the Capital, correct?

2 A. That's correct.

3 Q. And the plans to storm the Capital, correct?

4 A. Correct.

5 Q. And part of that was statements that were made by Adam Fox at

6 the shop vac or the Vac Shack meeting on June 20th, is that

7 correct?

8 A. That's correct.

9 Q. In fact Mr. Bellar has never stormed the Capital, correct?

10 A. Correct.

11 Q. And in fact the one time that he actually went into the

12 Capital as we talked about yesterday he actually followed all

13 protocol for going through the front doors and gaining access

14 into the Capital, correct?

15 A. Correct.

16 Q. Which included the COVID questions and getting his

17 temperature taken, correct?

18 A. Correct.

19 Q. While inside he actually posed for photographs for

20 individuals and the media, correct?

21 A. Correct.

22 Q. Throughout all of your investigation and we're talking about

23 the talk of storming the Capital. Isn't it true Mr. Bellar

24 never had set specific plans on attacking the actual Capital,

25 correct?

1 A. Correct. They think his involvement was only ideas.

2 Q. Ideas?

3 A. Correct.

4 Q. He never set up any specific training, now hear me out.

5 Specific to storming the Capital, correct?

6 A. Correct.

7 Q. Regarding the kidnapping plot of the governor that you were

8 speaking about on direct when Adam Fox was planning this

9 kidnapping plot right, you were talking about that?

10 A. Yes.

11 Q. You use that in Fox's name a lot, correct?

12 A. That's correct.

13 Q. And you use Adam, Adam Fox's name a lot because he was the

14 main individual up north who was on the operating side of

15 this terrorists plan, is that a fair statement?

16 A. Yes.

17 Q. Mr. Fox was only present at one training that my client was

18 present at and that was on June 28th here in Munith, correct?

19 A. That's correct.

20 Q. The second training that Mr. Fox went to my client wasn't

21 even there, right?

22 A. That's correct.

23 Q. So your main guy up north who's now the operational

24 individual in this kidnapping plot spent one day training

25 with my client Mr. Bellar, correct?

1 A. Correct. Well excuse me I'm sorry, it's incorrect.

2 Q. We're talking training, actual training, firing of weapons,
3 maneuvering, things along those lines?

4 A. Yeah, I'm sorry I forgot about Wisconsin. So Mr. Fox was in
5 Wisconsin with Paul Bellar so.

6 Q. And you would agree with me that Mr. Bellar was not in
7 control of the training in Wisconsin, correct?

8 A. Well the second day he was in control, the medical portion.

9 Q. Okay. Medical portion.

10 A. Right.

11 Q. Which was basic first aid correct?

12 A. Tactical medicine, basic tactical medicine.

13 Q. Right, basic first aid for in the field.

14 A. Yes.

15 Q. Fair statement. You spoke in your re-direct about Adam Fox
16 and he had and this is towards, I think we're getting into
17 September at this point. After my, Mr. Bellar had already
18 left the state of South, of Michigan and South Carolina that
19 Adam Fox had his own command structure. Do you recall
20 testifying to that a minute ago on re-direct?

21 A. Yeah, generally yes.

22 Q. You would agree with me that when this, when Adam Fox went up
23 north there was a lot of training that he did with the
24 individuals that he was preparing for this kidnapping plot
25 with, correct?

1 A. Yes.

2 Q. Mr. Bellar was not present for any of that, correct?

3 A. And you're referring to Luther in September, correct?

4 Q. Correct, up north.

5 A. Yes, yes correct.

6 Q. And the training that you talk about where Mr. Bellar is

7 materially supporting this terrorist group is the training

8 that he set forth in his itinerary, which was marked I

9 believe as Peoples exhibit fourteen, is that a fair

10 statement?

11 A. Yes.

12 Q. And this is Mr. Bellar's training itinerary that's been

13 admitted into evidence, correct?

14 A. That's correct.

15 Q. And nowhere on this itinerary does it talk about ever

16 kidnapping any politician, correct?

17 A. Correct.

18 Q. No where on this itinerary does it ever talk about storming

19 the Capital, correct?

20 A. Correct.

21 Q. In fact isn't it a fair statement that these particular

22 techniques could be used in any type of combat setting, fair

23 statement?

24 A. I -- I'd say any type of urban combat setting.

25 Q. Urban, I agree with you. So any type of urban combat

1 setting, you would agree with me that this -- this training
2 schedule would be, could be helpful in any urban combat
3 setting?

4 A. Yes.

5 Q. You testified under re-direct the first time regarding your
6 knowledge of traditional or non-violent militia. Do you
7 recall testifying to that?

8 A. I do.

9 Q. And I think it was in response to some questions you were
10 asked about whether it's illegal to be a part of a militia
11 and I maybe incorrect about -- about that. But it's
12 something along those lines, is that a fair statement?

13 A. Yeah, I recall the line of questioning.

14 Q. Okay. And you said that during your training and experience
15 of eleven years you can vet out the traditional -- and the
16 traditional militia and the violent militia, is that correct?

17 A. Yes that's my job.

18 Q. And you don't believe, in your opinion you don't believe that
19 traditional militia trains for combat situations, is that
20 your testimony?

21 A. No, I wouldn't say that.

22 Q. Okay.

23 A. I -- I say -- I guess I would say that tactical training can
24 -- can be nuanced as to the conditions and what they're
25 training for.

1 Q. Is, -- is it fair to say that and I'm going to dove tail off
2 of some questions that Mr. Johnson asked you. Twenty-twenty
3 has been a crazy year, is that a fair statement?

4 A. Yes, absolutely.

5 Q. Never in your career have you, have; have you seen a major
6 metropolitan area be blocked off as Seattle was, correct?

7 A. Correct.

8 Q. And the government doing absolutely nothing about it,
9 correct?

10 A. That's Correct.

11 Q. Individuals I believe there was a shooting where an
12 individual had died within that zone that they had created
13 and the police couldn't even get in there to help them,
14 correct?

15 A. I guess, it's hard to really know what -- what happened
16 there.

17 Q. But some -- I'm not going to hold you to that but something
18 happened where it thwarted law enforcements ability to even
19 help this individual who had been shot in this autonomous
20 zone?

21 A. It certainly was completely chaotic and out of the ordinary.

22 Q. Absolutely. And in fact as Mr. Johnson stated an entire
23 precinct abandon itself and left. Have you ever heard of
24 that happening in your life?

25 MS. DODDAMANI: Judge, I'm going to start objecting

1 here.

2 MR. KIRKPATRICK: Well I -- I

3 MS. DODDAMANI: My objection is, if I can finish my
4 objection. My objection is that we're getting into a whole
5 bunch stuff that's just not relevant.

6 MR. KIRKPATRICK: Well I'm trying to lay a
7 foundation because he testified that in, he believe that the
8 Wolverine Watchman is this crazy militia who does this
9 training for urban warfare and these other militias are non-
10 violent based on his training and experience. I'm trying to
11 point out your Honor that his training and experience up to
12 2020 what he observed, what he has seen may not necessarily
13 be what he witnessed with militia before, that -- that's my
14 issue.

15 MS. DODDAMANI: That's is a mischaracterization of
16 his testimony. He never said that 2020 is crazy, I mean this
17 is, this is commentary, it's speaking objections judge to
18 make a points, and I'm asking the Court not allow that first
19 and second that the -- that the testimony should not be
20 mischaracterized, thank you judge.

21 THE COURT: I think he just said he's never seen a
22 year like 2020, is that correct?

23 THE WITNESS: Twenty-twenty's been quite a year.

24 THE COURT: Okay. I'll -- I'll allow it a little
25 bit more. I-- we are kind of getting

1 MR. KIRKPATRICK: And your Honor I -- I didn't get -
2 - I would not get into this if that, if that was not brought
3 up on, on re-direct.

4 THE COURT: Go ahead.

5 BY MR. KIRKPATRICK:

6 Q. But we're not in traditional times is basically what I was
7 getting at, would you agree with that?

8 A. I'd agree with that.

9 Q. The meeting at the shop vac (sic) with Adam Fox, it's true
10 that my client said to your informant on numerous occasions
11 that Adam Fox is crazy, correct?

12 A. I -- I'm trying to find that specific statement, I -- I
13 believe it's fair that he made comments like that. I don't
14 think that's mischaracterizing it but I can't recall the
15 exact times that that happened.

16 Q. On re-direct the prosecutor asked you or the People asked you
17 that speech can be a crime?

18 A. Yes.

19 Q. And the prosecutor asked you such as making a terrorist
20 threat can be a crime, correct?

21 A. Correct.

22 Q. In this case Mr. Bellar never made a specific terrorist
23 threat to another member of the State of Michigan, any other
24 state or any politician directly to that person, correct?

25 A. I guess I'm having with the directly to that person.

1 Q. Let me rephrase, I -- to be fair that was a long kind of
2 crazy. Let me rephrase that. The statements that you, that
3 Mr. Bellar makes, those are done on the Wire, correct?

4 A. That's correct.

5 Q. And they're done on Facebook, correct?

6 A. Correct.

7 Q. And they're done at these actual meetings, correct?

8 A. Correct.

9 Q. The Wires non-public, right?

10 A. Correct.

11 Q. Facebook is members only, correct?

12 A. Yeah.

13 Q. And individuals within that room --

14 MS. DODDAMANI: I'm going to object at this point.

15 THE COURT: Or, let him finish his question and then

16 --

17 MS. DODDAMANI: Yes.

18 BY MR. KIRKPATRICK:

19 Q. And individuals within the room are all members of this group
20 that he is associating with.

21 THE COURT: Go ahead.

22 MS. DODDAMANI: Thank you. My objection is to
23 relevance judge, the statute doesn't require that he make any
24 terroristic statements to those individuals. The statute
25 requires that a -- that a terroristic threat is communicated

1 to any person.

2 MR. KIRKPATRICK: I'll make that argument at
3 closing.

4 MS. DODDAMANI: So the relevance here judge, and so
5 my objection is to relevance going down this road.

6 MR. KIRKPATRICK: The relevance is he wants to spell
7 out laws that where speech is illegal and I'm trying to show
8 the Court that the -- the -- the laws that the prosecutor
9 claimed were illegal there has to be something other than
10 what my client did and that's what I'm trying to get to.

11 MS. DODDAMANI: That's also an incorrect statement
12 of the law.

13 MR. KIRKPATRICK: So --

14 THE COURT: So I -- I -- I -- I -- I'm going to
15 sustain the objection. I don't -- I don't know if it was
16 objected to previously, but I did have some concerns last
17 time when it was asked on my-- it's kind of lost on me why we
18 were asking this individual to cite certain statutes where,
19 where speech is -- is -- is criminal. I think all of us here
20 know that, and I -- I don't think it moves the ball down the
21 field. So, I'll sustain that objection.

22 MS. DODDAMANI: Thank you, judge.

23 BY MR. KIRKPATRICK:

24 Q. You don't dispute the fact that Mr. Bellar left the State of
25 Michigan on July 27th or thereabouts to go to the State of

1 South Carolina, correct?

2 A. That's correct, I don't dispute it.

3 Q. And during your re-direct you -- you started talking about

4 how you believe that he was still connected with the

5 Wolverine Watchman after he left the State of Michigan. Do

6 you recall testifying to that?

7 A. I do.

8 Q. And your reasons for that is because he posted a couple

9 photographs of his vest, is that correct?

10 A. That's correct.

11 Q. And on August 18th he advised the group that police had come

12 to his house, and were interviewing his roommate and

13 searching his house, is that correct?

14 A. Yes.

15 Q. Other than that he never travelled back to Michigan to your

16 knowledge based on your investigation or based -- based upon

17 your confidential informant he never travelled back to

18 Michigan to engage in any specific training, correct?

19 A. Correct.

20 Q. He never came back to Michigan to assist Adam Fox or anyone

21 else in what you classified as the operational team in this

22 case, correct?

23 A. That's correct.

24 Q. And in fact your own confidential informant, your own --

25 you're the handler of this informant, correct?

1 A. That's correct.

2 Q. This informant works for you, correct?

3 A. That's correct.

4 Q. Your own informant tells you and the group that Mr. Bellar

5 has dropped off completely in, on September 5th of 2020

6 correct?

7 A. Correct.

8 Q. You talked about for the first time on re-direct this ad hoc

9 team and if you did talk, I'm not trying to say that he did

10 anything inappropriate here. I did, this is the first time I

11 heard about this ad hoc team. Is this like a team that's

12 armed and follows -- and followed Mr. Bellar around to insure

13 that he didn't engage in any violent behavior?

14 A. No.

15 Q. Was this a team that monitored him to make sure that he

16 didn't assault anyone?

17 A. Not like in a physical surveillance, no. It did not follow

18 him like that.

19 Q. Okay. What was it -- what was the ad hoc team, what was it?

20 A. It was a group of investigators from all the respective case

21 agents; we call them different AOR's so areas of

22 responsibility. So it included an investigator specifically

23 assigned to the Paul Bellar case so that he could dig into

24 his phone records, his associates, anybody which could

25 basically do the individual threat assessment on Paul Bellar

1 on behalf of the group, and then coordinate with the other
2 case agents who were doing the same thing for their
3 individual respective cases. So it's a -- a sharing of
4 information and coordination and communication amongst
5 investigators so that we try to keep up with the associations
6 and movement of the group.

7 Q. And that would be important because you obviously want to
8 make sure that Mr. Bellar doesn't harm an individual,
9 correct?

10 A. That's correct.

11 Q. You want to make sure that he doesn't ambush a police
12 officer, correct?

13 A. That's correct.

14 Q. Want to make sure he doesn't kidnap a politician, correct?

15 A. That's Correct.

16 Q. You want to make sure he doesn't storm the Capital, correct?

17 A. That's Correct.

18 Q. And if one of those things were to happen you would intervene
19 correct, to save lives?

20 A. We would try to come up with something.

21 Q. You never had to do that in this case, correct?

22 A. We didn't have to have overt action but we did have to
23 intervene.

24 Q. Thank you.

25 MS. DODDAMANI: I'm sorry; I don't think he was

1 finished with his answer.

2 THE COURT: I wasn't, you were quick on the thank
3 you, and I still think he was still kind of answering. So
4 you can complete that if you want.

5 THE WITNESS: So I took law enforcement action to
6 intervene, but I didn't step in to make any arrest.

7 MR. KIRKPATRICK: And may I have just one minute,
8 one second with my client, your Honor.

9 THE COURT: Mm-hmm.

10 BY MR. KIRKPATRICK:

11 Q. Agent Impola the the last thing I'll ask you is Mr. Bellar --
12 these kill houses were never designed to be the structure of
13 the governors home correct? What I mean by that is it was
14 not laid out as the governors home would be that they were
15 anticipating doing this, and by they I mean Adam Fox, this
16 kidnapping of the governor?

17 A. I don't have any information how they were laid out.

18 Q. But you've seen pictures of these kill house, correct?

19 A. Correct.

20 Q. You've seen videos of these kill houses correct.

21 A. That's Correct.

22 Q. And you would agree with me that these kill houses are
23 basically plywood and some tires, correct?

24 A. They're really basic structures.

25 MR. KIRKPATRICK: I have no further questions.

1 THE COURT: Okay. Mr. Somber?

2 RE-CROSS EXAMINATION

3 BY MR. SOMBERG;

4 Q. Special agent I have a couple -- couple questions. Mr.
5 Morrison, Mr. Morrison he's never -- never trained with a
6 sniper rifle?

7 A. I'm sorry what's a sniper rifle, in your --

8 Q. Never trained with a -- to -- to be a sniper?

9 A. Well I don't believe his training in the military was related
10 to be a sniper at all. I have no knowledge of him having
11 sniper training.

12 Q. Okay. He never provided, scratch that question. The
13 Wolverine Watchman, they were not a for profit organization,
14 correct?

15 A. Correct.

16 Q. They didn't charge dues or sell anything or anything like
17 that?

18 A. They talked about collecting some money for gas and
19 ammunition and having a ledger. I don't know if they ever
20 did, they pooled their money for ammunition every now and
21 then.

22 Q. Okay. I wanted to just kind of, try to break this down.
23 You, I understand there's a difference between a plan and an
24 idea, correct?

25 A. I, yes.

1 Q. And you would agree that a plan is more than just an idea,
2 right?

3 A. Yeah, I think a plan would have some intent behind it.

4 Q. So if I say I want to go to the movies, that's just an idea,
5 right?

6 A. Yeah, it sounds fair.

7 Q. And it's just an idea because it's missing details such as
8 when and where and what movie, right? Just a statement I
9 made?

10 A. Generally speaking if that's the only thing that was there
11 then yes I'd agree.

12 Q. So on re-direct you said that Joe Morrison was aware of Joe's
13 three plan?

14 A. Pete's three plan.

15 Q. Joes order, Pete's three plan, This was something that did
16 not happen, correct?

17 A. Correct.

18 Q. Your -- your -- you -- you're aware of your investigation
19 that Pete could say a lot of stuff to the group and to the
20 individual's, right?

21 A. Yeah, Pete liked to talk.

22 Q. He liked to talk. He a -- he talked about those Molotov
23 cocktail things that was never corroborated, right?

24 A. Correct.

25 Q. And you know Joe, Pete and Joe they have a -- you know Pete's

1 his father-in-law, do you understand that?

2 A. I understand the relationship.

3 Q. So Pete, there's never any date of time or how or where this

4 so-called three plan, it was more just an idea, would you

5 agree?

6 A. Well there was a time, 3 a.m., but everything else I'd agree,

7 it didn't have a day.

8 Q. And -- and, okay. And same as the so called plan to storm --

9 storm the Capital. This is something that did not happen,

10 correct?

11 A. Correct.

12 Q. And this is really, it, it was just an idea maybe somebody

13 spoke, correct?

14 A. Well I think it was more than an idea because they talked

15 about doing overt actions and watching MSP and how they could

16 do it. They -- they got into further details of how it could

17 be done and how they could succeed. So to me that was a

18 little more than just an idea, it was plan that was evolving

19 that they ultimately decided not to do.

20 Q. You used the word they, but Joe never spoke about storming

21 the Capital?

22 A. Joe spoke about storming the Capital on June 18th when he was

23 with Adam Fox, meeting for the first time.

24 Q. And that was the day that they just walked into the Capital

25 though?

1 A. Nope, that was the day when they arranged there, it -- it's
2 when Joe had set up the in person meeting with his contact
3 from Michigan. April 30th was the day they walked into the
4 Capital.

5 Q. Okay. But Joe never gave any resources towards this plan or
6 towards this idea of storming the Capital?

7 A. He provided operators; he trained operators who were
8 available to storm the Capital.

9 Q. He trained them, well he -- Joe didn't train anybody and I
10 know it's been asked and answered.

11 A. Yes and I -- I understand the distinction, and I'll clarify.
12 So you're correct Joe himself was not leading the training.
13 Joes was the leader of the Watchman directing training if he
14 hosted at his house.

15 Q. Okay. And his house, there's no, his house is not used to
16 plan or prepare to carry out a storming of any Capital?

17 A. Well they were at his house on April 19th when they trained
18 with center breeching doors after they had discussed storming
19 the Capital. So I think in that regard on April 19th his
20 house was used for a potential plan to storm the Capital.

21 Q. But in -- in -- in all your recordings and videos there's
22 nowhere that says hey guys this is -- this is set up like
23 we're storming the Capital, this is what we're preparing for?

24 A. And they certainly never finalized the plans.

25 Q. But even, that wasn't even, they weren't even preparing for

1 that?

2 A. They were definitely preparing for it.

3 Q. Preparing to storm the Capital?

4 A. Yes.

5 Q. Even though it was never spoken about while they were doing

6 it?

7 A. It was spoken about.

8 Q. And I just want to jump back to the -- the -- Pete's alleged

9 three, three plan. This was Joe's land, I guess Joe did not

10 provide any material support or plans for this alleged three,

11 three plan?

12 A. Well Joes hosted the training on June 28th in which Pete

13 broached the three plan to the group and told everybody if

14 they weren't down with it they needed to leave, he gave his

15 ultimatum. So that was Joe's material support on that day.

16 Q. And they actually trained to carry out that plan?

17 A. That day was general training; they didn't get into any

18 specifics about Pete's plan.

19 Q. Right. And I would, and I would say it's true that they

20 never specifically trained for Pete's -- Pete's plan?

21 A. Well they talked about training in general for ambushes based

22 on opportunities. But I'd agree that there's definitely

23 wasn't specific details of Pete's three plan that were laid

24 out in an itinerary.

25 Q. When you said, I want to get back to a statement about, you

1 said on re-direct. You said that Joe said he's not stupid
2 regarding the Boogaloo that -- that is not what was actually
3 said though, correct?

4 A. I mean I'll defer to the exhibit, which is a fair and
5 accurate of; it's exactly what he said while we recorded it.
6 So instead of me putting my interpretation on it, it is what
7 it is.

8 Q. Okay. The -- your -- so you're saying that what he said is
9 that he's not stupid -- stupid regarding the Boogaloo?

10 A. He-- he I -- I believe he said it and if you're asking me
11 what he means by it I believe he means the Boogaloo.

12 Q. I want to move onto where you said in exhibit seven,
13 seventeen it's a screen shot of a text message of Joe talking
14 about Ohio, and he said that it went well, real well, these
15 are get shit done mother fuckers, correct?

16 A. Correct.

17 Q. But you know that Joe didn't actually go there?

18 A. I'm aware of that.

19 Q. And you know that you don't have any; I guess you don't know
20 what Joe, you're -- you're making assumptions, you don't know
21 what Joe means by his statement?

22 A. I'm looking at Joe's statement and I'm making inferences or
23 assumptions of his level of knowledge based on what he said.

24 Q. Okay. I mean it's a pretty -- pretty broad statement, would
25 you agree, things went well?

1 A. It's a general statement; yeah I said it's broad.

2 Q. Okay. So I mean it's a pretty big jump to say things went
3 well and know I -- I -- I believe they're trying, you're
4 trying to say well if he knew that Barry Croft wanted to kill
5 FBI agents and put on their uniforms and kill citizens in a
6 police uniform.

7 A. No, I don't think we can equate that level of specificity to
8 his knowledge. I think all we can do is equate that he had
9 contact with somebody and he had some level of knowledge of
10 the meeting or that he received some level of debrief. To
11 what extent that is, I wouldn't be comfortable saying with
12 that statement.

13 Q. So he contacted somebody, but you don't know who?

14 A. Well I do know he was in contact with Barry Croft, and he
15 said multiple times that his contact was Barry Croft or Barry
16 from Delaware.

17 Q. And you don't know what he was -- what he was told?

18 A. Correct.

19 Q. On -- and you testified on -- you testified on -- on re-
20 direct that Adam Fox is not under the control of the
21 Wolverine Watchman?

22 A. That's correct.

23 Q. And Adam is following his own commander Barry Croft?

24 A. That's correct.

25 Q. Now you said that ultimately when -- when it came down to

1 Adam coming to this, to the training on the first training on
2 August 9th you basically testified on re-direct that well it's
3 Joe's land, he had the final call and he let Adam be there?

4 MS. DODDAMANI: I'm sorry, just a -- just a clear
5 clarification. He said two dates there, he said June 28th
6 and he said August 9th. Could you tell me which one it is?

7 MR. SOMBERG: Yes I -- I -- I apologize, I meant
8 August 9th.

9 MS. DODDAMANI: Thank you.

10 THE COURT: Okay, thank you.

11 BY MR. SOMBERG:

12 Q. This is when Adam Fox came to the training at Joe Morrison's,
13 correct?

14 A. That's Correct.

15 Q. And you testified on re-direct like well ultimately Joe had
16 the final call and Adam would not be there if Joe did not
17 allow it to happen?

18 A. That's correct.

19 Q. Okay. But Joe, would you agree Joe trust -- trusted your
20 confidential informant at that time?

21 A. Yes.

22 Q. And you don't, your confidential informant was in the
23 leadership, the so called leadership structure of this, of
24 the Wolverine Watchman, correct?

25 A. Yes.

1 Q. Okay. So and as we heard in the call earlier that it was
2 your -- that it was Dan your you know confidential informant
3 who actually, literally invited Adam to the training?

4 A. Well I agree with the fact that he did say to Adam on the
5 recorded call on the 14th why don't you come to training.

6 Q. Correct. And that at -- at the training, at that training
7 Adam, he tells the group, he basically brings up well hey who
8 -- whose down with kidnapping, right?

9 A. That was the a August 9th training.

10 Q. Yes, and that was the August, August 9th training and the
11 group shot him down, correct, do you agree?

12 A. Yes.

13 Q. And now apparently there's, it's your testimony that your
14 confidential, CHS said that Joe confirmed he was good, good
15 to go, correct?

16 A. That's correct.

17 Q. That, that's your testimony, but however that August 9th date
18 where that alleged date or alleged statement was, may have
19 been made. Joe never, after that date Joe never trained with
20 Adam again?

21 A. That's correct.

22 Q. And Joe never gave Adam any money, that -- after that day or
23 before?

24 A. That's correct.

25 Q. Joe never gave Adam a -- never contributed to the plan or

1 gave him ammunition or anything?

2 A. Well Joe told his group after that to get themselves ready

3 for the dance, that they're going to have a rehearsal and

4 that they're now a shadow group.

5 Q. Well Joe said that a months later?

6 A. Joe said that on September 3rd, 2020.

7 Q. Correct and we're -- we're talking, but we're talking a

8 month. Joe said that after he came back, but that statement

9 in of itself I would say lacks, lacks context, would you

10 agree?

11 A. No, that's a very specific statement to his followers

12 concerning the Boogaloo.

13 Q. Did you, would you agree that somebody responds and they

14 they'll -- they'll, afterwards somebody responds I'll bring

15 my skateboard for realism, and what is that, what does that

16 mean?

17 A. Well it's a reference it's a joke that this is now happening,

18 the Boogaloo.

19 Q. What is, I mean we -- we've learned lots of words the last

20 two days. I mean what is a skateboard, is a skateboard code

21 for something?

22 A. No, a dance is the code for the Boogaloo.

23 Q. Okay. And skateboards not code for anything?

24 A. It may be -- I don't know all of the lingo.

25 Q. You think that maybe Joe could have been telling a joke and

1 somebody responded with a joke?

2 A. I don't think so based on the context of his knowledge that

3 attacks were going to be happening.

4 Q. Okay. And do you agree that Joe was literally out of the

5 loop from almost all of August into September?

6 A. Well on August 21st he was added to the Fuck around Find out

7 chat where he learned that they were thinking about blowing

8 up Governor Whitmer's boat. So he was out of the loop for a

9 bit and then kind of came back into the loop. He had bits

10 and pieces of information that were coming to him. He

11 certainly wasn't driving the train on the plans to kidnap the

12 governor or the final terrorist attack at that point in time.

13 Q. Right and that -- also that -- that chat is one which you can

14 just add somebody off of your list. There's no approval

15 that's -- so if he --

16 A. That's correct.

17 Q. So he could have been added, not checked his phone or

18 computer for days?

19 A. It's possible.

20 Q. And not actually have actually seen what was being said there

21 correct?

22 A. Yes, it's possible.

23 Q. Okay. Who made that Fuck -- Fuck around Find out chat?

24 A. Well I know Adam made it on Threema, as far as who made it

25 with the Wolverine Watchman on his Wire I -- it -- I don't

1 remember. I mean I could take a guess, but I don't want to
2 speculate.

3 Q. And, let me, and --

4 A. I don't think it was Joe, if that helps.

5 Q. And thank -- thank you and I, I agree with that and -- but
6 Adam made this new chat because he wanted to go in a
7 different direction then what Joe wanted to do, would you
8 agree with that?

9 A. Well no Adam made the new chat because he was advised by Paul
10 Bellar about the security concerns and how the group was
11 compromised. So they decided to move to a different platform
12 for operational security.

13 Q. Okay. But Adam Fox didn't, I guess Adam Fox excluded Joe and
14 made multiple statements where he didn't think he would, he
15 was up to it and is unavailable and not around?

16 A. That's correct.

17 MR. SOMBERG: I have nothing further, thank you.

18 THE COURT: Okay. Mr. Johnson?

19 MR. JOHNSON; A yeah, yes your Honor.

20 RE-CROSS EXAMINATION

21 BY MR. JOHNSON:

22 Q. Agent Impola, Agent Impola Pete Musico said some stuff
23 online?

24 A. Yes.

25 Q. He said, whether it was true or not you had to investigate

1 it?

2 A. Yes.

3 Q. That's on him?

4 A. I think that's fair.

5 Q. And looking at all the things you said online is it fair to

6 say he said stuff that ain't true?

7 A. Well he's definitely said things that aren't true, I agree

8 with that.

9 Q. They call him crazy Pete?

10 A. I agree.

11 Q. Would you agree that his perception of himself was a whole

12 lot greater than the group's perception of him?

13 A. I think he had an accurate perception of himself and he

14 enjoyed the attention and the -- the concept of being crazy

15 Pete.

16 Q. And crazy Pete was specifically excluded from chats?

17 A. He was.

18 MR. JOHNSON: No further questions, your Honor.

19 MS. DODDAMANI: Could I just ask, I -- I think I

20 really only have one or two questions judge.

21 THE COURT: Famous last words.

22 MR. KIRKPATRICK: Your Honor, I apologize there was

23 one more questions I wanted to ask about something that was

24 brought up in re-direct during the operational routine.

25 THE COURT: Why don't we just go back down.

MR. KIRKPATRICK: I just wanted to let the Court know that.

THE COURT: Okay. I'm, I'll, as long as she keeps asking questions I'm going to go down the line.

MS. DODDAMANI: Thank you, judge.

MR. JOHNSON: Unless your Honor did, before I finished I referenced a report.

THE COURT: Right did you find it?

MR. JOHNSON: That had a statement on it.

THE COURT: Okay.

MR. JOHNSON: I -- I found it and I just wanted to let the Court know I've showed it to counsel and it was good faith basis for me to ask that question.

THE COURT: Okay.

MS. DODDAMANI: Yes.

RE-DIRECT EXAMINATION

BY MS. DODDAMANI:

Q. I've got one question for you Agent Impola.

A. Yes.

Q. Okay. Here's my one question. Where did the birth of the plan to kidnap the governor come from? Where did the birth of the plan to kidnap the governor come from?

A. Well it originated in Dublin Ohio with Adam Fox and Barry Croft.

Q. Did the Wolverine Watchman, any of the people seated here in

1 the courtroom today ever talk about kidnapping the governor?

2 A. Yes.

3 Q. Who?

4 A. Paul Bellar talked about kidnapping the governor; Pete Musico

5 talked -- talked about kidnapping the governor, and Joe

6 Morrison. I'm thinking about Joe Morrison's statements here.

7 Yes, Joe Morrison talked about kidnapping the governor.

8 Q. Did people go and actually try to go, start to and commit

9 that plot?

10 A. They did.

11 MS. DODDAMANI: That's all the questions I have,

12 thank you judge.

13 THE COURT: That was more than one.

14 MS. DODDAMANI: It was.

15 THE COURT: You won't be chastised.

16 MS. DODDAMANI: You got me, judge.

17 MR. KIRKPATRICK: Well I got a couple questions now.

18 THE COURT: That's okay.

19 RE-CROSS EXAMINATION

20 BY MR. KIRKPATRICK:

21 Q. Agent Impola there's a big difference between a plan and an

22 idea, correct?

23 A. Well I think there's, in those two concepts.

24 Q. Right.

25 A. There's a spectrum amongst -- amongst both those words.

1 Q. Okay. I can say to you you're a friend of mine, we're
2 handing out in my basement, whatever, I'm broke I want to go
3 rob American One, right?

4 A. Yes.

5 Q. Would you agree with me that's an idea?

6 A. Yes.

7 Q. It's a statement being made without any plan going forward,
8 correct?

9 A. Correct.

10 Q. We just talk about it?

11 A. Yes.

12 Q. Same thing here. If I make a statement and/or agree with
13 another individual about kid -- kidnapping the governor, at
14 that particular moment in time it was an idea, correct?

15 A. That happens in a vacuum, at that moment in time I would
16 agree.

17 Q. Absolutely. And so it becomes a plan when you actually go
18 out and start training for that specific goal in mind,
19 correct?

20 A. That's correct.

21 Q. You talked about, the first time on re-direct I thought, I
22 could be wrong you had your operational team, which is Adam
23 Fox, correct?

24 A. That's Correct.

25 Q. He was pretty much a common theme throughout this entire case

1 here, right?

2 A. Absolutely.

3 Q. In fact that's probably a big reason why he's charged

4 federally, correct?

5 A. I can't -- can't make.

6 Q. I'll move, I'll withdraw that question, that was an unfair

7 question and I'll withdraw that question. Everyone in that

8 operational team had training prior to engaging in the

9 Watchman, correct?

10 A. I would say what type of training?

11 Q. Military training, some of them were militarily trained,

12 correct, they had been in the military?

13 A. Some of them were, yes.

14 Q. Which ones?

15 A. Dan Harris, I'm just kind of going through them in my

16 mind.

17 Q. That's fine, take your time.

18 A. So Kaleb Franks was not in the military, Brandon Caserta was

19 not in the military, Dan Harris was a marine, Ty Garbin was

20 not in the military, Barry Croft, I don't believe was in the

21 military, Adam Fox was not in the military, so just Dan

22 Harris.

23 Q. Okay. But it's fair agent that prior to March, actually

24 strike that. Prior to when Adam Fox came into this Watchman

25 and trained with them on that one occasion on June 28th. And

1 I'm only talking regarding my client, before my client left
2 the state. He was already actively involved in a militia
3 correct, Adam Fox?

4 A. Well, he'd been kicked out of the Michigan Home Guard.

5 Q. Right.

6 A. He had created this Michigan Patriot Three Percenters.

7 Q. Correct.

8 A. So he was then Michigan Home Guard, correct?

9 A. Correct.

10 Q. So he had training in the Michigan Home Guard, correct?

11 A. Correct.

12 Q. Militia training, correct?

13 A. Correct.

14 Q. This is long before he met Mr. Bellar, correct?

15 A. Correct.

16 Q. He also took an oath in front of Mr. Bellar and others into
17 an tire -- entirely different militia I believe it was the
18 Three Percenter, correct?

19 A. Correct.

20 Q. Therefore he had significant training prior to ever meeting
21 the Watchman, correct?

22 A. I -- I mean I can't testify to his Michigan Home Guard
23 training, but they are a established militia, which has
24 regular tactical training.

25 Q. What does your investigation show you on how long Adam Fox

1 had been involved in militia activity?

2 A. I'd say it's a -- well I don't have an exact date, a few
3 years.

4 Q. Few years, so he's got a few years militia training prior to
5 ever meeting my client Mr. Bellar, correct?

6 A. Yes, that's fair.

7 Q. Which one of them was the a -- involved in gun competition?

8 A. That was Ty Garbin.

9 Q. So the other ones actively involved in gun competitions,
10 correct?

11 A. That's Correct.

12 Q. So when he came to the Watchman group he was already a
13 skilled marksman, correct?

14 A. Yes.

15 Q. He already had training on marksmanship prior to entering the
16 Watchman club, correct?

17 A. That's what he planned.

18 Q. Well did have -- did you -- I'm sure you did a lot of
19 research on him. Did the guy, was the guy winning shooting
20 competitions do you know?

21 A. I didn't -- I didn't look into that, that wasn't a concern of
22 mine.

23 Q. You didn't look in his history of his should I say experience
24 with firearms to see what kind of person we're dealing with?

25 A. I did look into his experience with firearms because he was

1 an FFL and a gun dealer.

2 Q. Right.

3 A. But -- but not into his -- his claims of marksmanship as a
4 three gun competition shooter.

5 Q. So prior to his entry into the Watchman club he was a federal
6 licensed firearm?

7 A. That's what he claimed.

8 Q. Did you ever -- did you ever follow up on that to see if
9 that's true or not?

10 A. I did and I wasn't able to verify its being true, but he --
11 he was pretty adamant that it was true.

12 Q. Okay. And he had knowledge of firearms before joining the
13 Wolverine Watchman, correct?

14 A. Yes, he's certainly one of the most skilled gunsmiths and
15 marksman in the group.

16 Q. So he's yet another individual in this operational group up
17 north, the one that's putting into motion this plot to kidnap
18 the governor, correct?

19 A. Correct.

20 Q. And if, Dan the informant, was he part of the operational
21 team up north?

22 A. Yes.

23 Q. This is the same Dan the informant that actually did training
24 for the Wolverine Watchman here, correct?

25 A. Correct.

1 Q. The same Dan the informant who by your own testimony did
2 marksmanship training here with the Wolverine Watchman,
3 correct?

4 A. Yes, that's correct.

5 Q. And training with the individuals that ultimately became this
6 operational team, correct?

7 A. That's correct.

8 MR. KIRKPATRICK: I have no further questions, your
9 Honor.

10 THE COURT: Mr. Somber?

11 MR. SOMBERG: No questions, your Honor.

12 THE COURT: Mr. Johnson?

13 MR. JOHNSON: No your Honor, thank you.

14 MS. DODDAMANI: None, thank you, your Honor.

15 THE COURT: Okay. The sixty-four thousand dollar
16 question, maybe we should have him leave the room. Is a --
17 can we thank and excuse him or does someone believe that a
18 they may want to call him? I -- I will go with the

19 MS. DODDAMANI: I would appreciate if we could thank
20 and excuse him judge.

21 MR. KIRKPATRICK: I want to thank and excuse him
22 because he's probably taken the stand longer than any other
23 witness I've had almost in my career, and I've tried a lot of
24 cases. But here's my concern, I would like him, if we thank
25 and excuse him because I understand he has a job to do, but I

1 just want to be clear if there is discrepancies in the -- my
2 concern is this, your Honor. If the confidential informant
3 testifies to something and we run into an issue where I may
4 need to impeach that with the handling agent, that's my only
5 concern.

6 THE COURT: Okay.

7 MR. KIRKPATRICK: I certainly don't want him sitting
8 around and waiting around.

9 MS. DODDAMANI: Yes, can I have a minute to talk to
10 him about his personal life so that we can figure out if he
11 can be here tomorrow or not. Can I just have a minute for
12 that?

13 THE COURT: Well that's optimistic given the fact
14 that we spent almost two days with him. I -- I'm kind of
15 concerned about a confidential informant.

16 MR. KIRKPATRICK: I think my questioning is going to
17 be a lot less with the informant cause a lot did come in
18 through the agent. But I'm just concerned, I -- I don't want
19 to tell the court release him.

20 THE COURT: Yeah.

21 MR. KIRKPATRICK: And then all of a sudden now I've
22 got the impeachment issue or a problem with the testimony of
23 the -- of the C.I.

24 THE COURT: Now what I -- I was going to talk to the
25 attorneys. What I am contemplating and I -- I think I kind

1 of -- kind of reversed direction in how I want to handle the
2 ultimate motions and arguments for bind over or lack of bind
3 over. I think I want to do them on a separate day. I -- I -
4 - I'm, the attorneys are doing a great job of laying this out
5 for me but I -- I must admit there is a jumble of information
6 with what makes it very difficult is and I 00 I'm not saying
7 it's inadmissible essentially, but it's a lot of he said,
8 this person said type information, and it's difficult for me
9 to shall I say incorporate all of that. Especially in light
10 of the fact, if we have the confidential informant then we go
11 right into Mr. Johnson's motion and discussion as to what is
12 hearsay, what is not hearsay. I think a -- and ultimately,
13 we're going to have some I -- I -- I think some issues that
14 Mr. Kirkpatrick's raised about conspiracy, conspiracy not
15 being alleged, whether a conspiracy, showing conspiracy for
16 evidentiary purposes is different than alleging conspiracy as
17 a crime. I -- I'm just; I'm kind of getting the sense of
18 that. I'm also getting the sense that Mr. Somberg really hit
19 on a things, and I keep on looking at the statute. I'm not
20 familiar with the statute, I've never confronted it before,
21 and I commend you Mr. Somberg, you a kind of a -- when you
22 used the -- the phrase idea and I never verbalized that in my
23 head. But that's -- that's kind of one of the issues that I
24 - that -- that I'm having with the statute. From what I'm
25 seeing I don't see that the act doesn't have to be completed,

1 which is plan to fall with this statute. I-- I think it's
2 pretty clear, but a where's that line where an idea becomes a
3 plan. That -- that's to a certain extent bothering me or one
4 of the things that I'm wondering about. And so if we delayed
5 the final hearing where we handle the motions and the
6 arguments it would give the attorneys to, an opportunity to
7 potentially just send me any cases they want to send to me or
8 they don't have to send me anything. I'm not looking for
9 briefs; I don't want to make you work anymore than you've
10 already worked. I mean you've worked enough. I think that
11 Mr. Johnson you have your materials back there and that's --
12 that's -- that's quite a collection.

13 MR. JOHNSON: That's not all of them.

14 THE COURT: And so what, what I was thinking perhaps
15 with this witness maybe jettison him and if we need to bring
16 him back, if -- if -- if we finish with the confidential
17 informant maybe -- maybe bring him back the date that we hear
18 arguments and handle the motions. Cause I -- I am also
19 concerned, cause this has taken a lot longer than I thought
20 and I -- certainly legitimately so, I'm just concerned that
21 the confidential informant may take a little bit longer than
22 people think. I -- I expect the direct examination, I -- I
23 would assume and I'm not telling you how to do your case, but
24 I -- I -- I'm kind of expecting that there -- there's going
25 to be a chronological history going through all the stuff

1 that we got from this guy. And if that's the situation I --
2 I can see direct examination taking quite some time. Am I
3 mischaracterizing your plan?

4 MS. DODDAMANI: I'm sorry, judge?

5 THE COURT: Am I mischaracterizing?

6 MS. DODDAMANI: No judge, I -- I was just simply
7 standing up to ask the Court.

8 THE COURT: Okay.

9 MS. DODDAMANI: And as kind of talked about in
10 chambers with other attorneys with all the attorneys here is
11 that you wanted us to continue this preliminary exam
12 tomorrow. He needs to call the witness, which I don't think
13 we've put on the record at this point yet.

14 THE COURT: Correct.

15 MS. DODDAMANI: And I was kind of putting that on
16 the record.

17 THE COURT: Yes.

18 MS. DODDAMANI: And then your suggestion judge is,
19 I'm sorry, your suggestion judge is that we then go ahead and
20 set another date for argument for the bind over motion.

21 THE COURT: Right.

22 MS. DODDAMANI: As well as your rulings on the co-
23 conspirator motion that's been filed and things like judge?

24 THE COURT: Yes. And then if -- if for chance
25 someone has an issue with what the confidential informant

1 indicated I -- I can't believe that that type of testimony
2 would take a whole lot of time and probably wouldn't change
3 too much anyone's preparation for the final arguments. So we
4 could do that on--, on the day that we have the arguments.

5 MR. KIRKPATRICK: And your Honor I could, that --
6 that makes perfect sense to me. I just didn't want to upset
7 the Court if I said go ahead and thank and excuse the
8 witness.

9 THE COURT: Oh no.

10 MR. KIRKPATRICK: And then the day or whenever
11 testimony your Honor, I need him back again and I didn't want
12 you to be like we excused him. I just want the right if we
13 need him to come back that we call him back to rebut and
14 testimony from the informant.

15 THE COURT: Your response is what I expected but I
16 have to ask.

17 MR. TOWNSEND: And I would think that your
18 assessment of potential direct examination of this witness is
19 pretty close.

20 THE COURT: Okay. I-- I -- I mean there -- there --
21 extensible the confidential informant is the guy in the
22 trenches and a you know. Mr. Somberg does that plan sound
23 okay with you?

24 MR. SOMBERG: It's fine with me your Honor.

25 THE COURT: Okay. And Mr. Johnson?

1 MR. JOHNSON: I'll be here.

2 THE COURT: I always love that opaque answer.

3 MR. KIRKPATRICK: Your Honor, you meant you want the
4 arguments done on a different day?

5 THE COURT: Yes, that

6 MR. SOMBERG: So that Monday even some other day?

7 THE COURT: Some, some other day.

8 MR. KIRKPATRICK: I'm going on vacation March 17th
9 your Honor.

10 THE COURT: No we -- we will clear that as well,
11 yeah.

12 MS. DODDAMANI: That -- that's the only thing judge
13 that's making me hesitate just a little bit is that you know
14 arranging all of our schedules again with you know four or
15 five attorneys here. I just want to make sure that we're
16 getting close enough, but also it's not conflicting with all
17 of the other dates that we have. We, this team again has
18 this, you know the rest of the defendants scheduled in April,
19 in the middle of April too so there is preparation that has
20 to be done for that as well.

21 THE COURT: No it's my, it -- it's my expectation to
22 do this sometime in March. I -- I'm not looking to kick it
23 back down, far down the road.

24 MS. DODDAMANI: Okay.

25 THE COURT: So what we're going to do right now is

1 we're going to excuse you kind of, okay?

2 THE WITNESS: I understand.

3 THE COURT: And hopefully we're going to get done
4 with the confidential informant tomorrow, and then maybe
5 Madam Prosecutor can you know get your number and if we do
6 finish tomorrow with the other witness we'll set a date
7 tomorrow to have a final argument. And the defense attorneys
8 may very well say we don't need him because a you know
9 there's no apparent conflict or whatever. We don't need the
10 agent to come back. Does that sound okay to you?

11 THE WITNESS: That sounds great, thank you.

12 THE COURT: Yeah. I really appreciate your patience,
13 go ahead sir.

14 MR. TOWNSEND: Judge I would also indicate to the
15 court I fully suspect that we'll be done with direct and
16 cross examination tomorrow with our -- with our witness.

17 THE COURT: Okay. That -- that -- that would be
18 nice.

19 MS. DODDAMANI: First judge I -- I expected a, I
20 expected Agent Impola to be testifying for one day not two.
21 So the best laid plans.

22 THE COURT: Well I -- I -- I think --

23 MR. TOWNSEND: That's my expectation, I'll put it
24 that way.

25 THE COURT: That's, that's fine, everyone's got a

1 job to do, and I try not to interfere too much. So she'll
2 get your number, so yeah you're kind of excused and she'll
3 probably call you later tomorrow or early next week and give
4 you some good news or bad news, okay?

5 THE WITNESS: Thank you, your Honor.

6 THE COURT: Okay. Thank you for coming in, you've
7 been a good witness.

8 THE WITNESS: Thank you.

9 (At 4:10 a.m., witness excused)

10 MR. TOWNSEND: With that being said judge could I
11 make a recommendation to the Court?

12 THE COURT: Yes.

13 MR. TOWNSEND: I would recommend that because of the
14 direct examination of this witness I would prefer to keep it
15 continuous. I would ask the Court if we could start the
16 witness tomorrow rather than starting late this afternoon?

17 MR. KIRKPATRICK: I would concur with that request
18 your Honor.

19 THE COURT: I -- I -- I think get a fresh start. We
20 have a technological problem because I did not expect this to
21 go past today. So I'm making some schedule changes. How
22 much time do you believe you need in the morning, in the
23 morning to deal with the people that Julie could not contact
24 today on zoom.

25 MS. CAVANAUGH: We can be ready to go at 8:30 if you

1 want.

2 THE COURT: Okay. Does 8:30 tomorrow morning work?

3 MS. DODDAMANI: Greg, Greg?

4 THE COURT: Mr. Townsend, 8:30 work tomorrow
5 morning?

6 MR. SOMBERG: It works for me.

7 THE COURT: Okay. Because between 8:00 and 8:30 she
8 a -- we're operating, my, apparently my zoom numbers
9 operating two courtrooms, right. Is that the issue?

10 MS. CAVANAUGH: Well this and your regular one, so
11 I can't do both.

12 THE COURT: Yeah, okay. Okay.

13 MR. KIRKPATJRICK: 8:30?

14 THE COURT: 8:30, thank you so much.

15 MR. TOWNSEND: Thank you, judge.

16 MS. DODDAMANI: Thank you, your Honor.

17 THE COURT: Thank you, bye bye.

18 (At 4:12 p.m., proceedings concluded)

19

20

21

22

23

24

25

CERTIFICATION

I certify that this transcript, consisting of 219 pages, is a complete, true, and correct transcript of the Hearing held March 4, 2021.

11 | Date: March 22, 2021

Shellie Sanders CER 7667
Certified Electronic Recorder
312 S. Jackson Street
Jackson, MI 49201
(517) 768-6874